

***United States Court of Appeals
for the Second Circuit***



**SUPPLEMENTAL
APPENDIX**

with affidavit

76-6003

United States Court of Appeals FOR THE SECOND CIRCUIT

Docket No. 76-6003

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, and
THE CITY OF NEW YORK,

Plaintiffs-Appellees,

—against—

LOCAL 638... LOCAL 28 OF THE SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION, LOCAL 28 JOINT AP-
PRENTICESHIP COMMITTEE,

Defendants-Appellants,

SHEET METAL AND AIR CONDITIONING CONTRACTORS'
ASSOCIATION OF NEW YORK CITY, INC., etc.,

Defendant.

LOCAL 28,

Third-Party Plaintiff

—against—

NEW YORK STATE DIVISION OF HUMAN RIGHTS,

Third-Party Defendant.

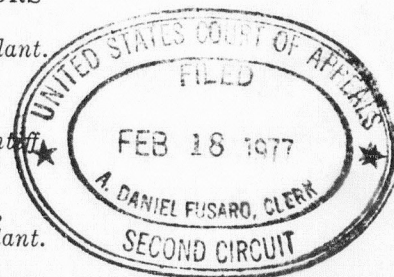
LOCAL 28 JOINT APPRENTICESHIP COMMITTEE,

Fourth-Party Plaintiff,

—against—

NEW YORK STATE DIVISION OF HUMAN RIGHTS,

Fourth-Party Defendant.



SUPPLEMENT TO THE SECOND JOINT APPENDIX

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PAGINATION AS IN ORIGINAL COPY

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1746 Extract of Relevant
Docket Entries

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
and THE CITY OF NEW YORK,

Plaintiffs-Appellees,

-against-

LOCAL 638 . . . LOCAL 28 OF THE SHEET
METAL WORKERS' INTERNATIONAL ASSOCIATION,
LOCAL 28 JOINT APPRENTICESHIP COMMITTEE,

Defendants-Appellants,

SHEET METAL AND AIR-CONDITIONING CONTRAC-
TORS' ASSOCIATION OF NEW YORK CITY, INC.,
etc.,

Defendants.

- - - - - X

LOCAL 28,

Third-Party Plaintiff,

-against-

NEW YORK STATE DIVISION OF HUMAN RIGHTS,

Third-Party Defendant.

- - - - - X

LOCAL 28 JOINT APPRENTICESHIP COMMITTEE,

Fourth-Party Plaintiff,

-against-

NEW YORK STATE DIVISION OF HUMAN RIGHTS,

Fourth-Party Defendant.

- - - - - X

EXTRACT OF DOCKET ENTRIES

<u>DATE</u>	<u>PROCEEDINGS</u>
July 6, 1976	EEOC Memorandum of Law in Opposition to Local 28 Motion
July 8, 1976	Memorandum and Order dated July 7, 1976
November 22, 1976	EEOC Notice of Motion to Amend Order and Judgment dated November 19, 1976
November 22, 1976	EEOC Memorandum of Law in Support
January 10, 1977	EEOC Memorandum in Response to Administrator's Report
January 19, 1977	Revised Affirmative Action Program Order
January 19, 1977	Order, dated January 17, 1977
February 1, 1977	Local 28 Notice of Motion
February 1, 1977	Local 28 Memorandum in Support of Motion
February 1, 1977	City of New York Memorandum of Law in Opposition to Local 28 Motion
February 1, 1977	Transcript of Hearing before Staff, Administrator, dated March 5, 1976, with Exhibit A
February 1, 1977	Transcript of Hearing before Staff, Administrator, dated December 21, 1976
February 1, 1977	Stipulation dated February 1, 1977 to include documents in supplementary record on appeal

EEOC's Notice of Motion

1748

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION and THE CITY OF NEW YORK,

Plaintiffs,

- against -

LOCAL 28, et al.,

Defendants.

#. 22 76

NOTICE OF
MOTION

71 Civ. 2877 (RWS)

S I R S:

PLEASE TAKE NOTICE that upon the
memorandum of law submitted herewith the plaintiff
Equal Employment Opportunity Commission will move this
Court at a date and time to be set by the Court to review
and amend the Order and Judgment dated August 28, 1975
and the Affirmative Action Program and Order entered
November 25, 1975.

Dated: New York, New York

November 19, 1976.

Yours, etc.,

ROBERT B. FICHT, JR.
United States Attorney
Attorney for Equal Employment
Opportunity Commission

by: /s/
Assistant United States Attorney
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Revised Affirmative Action Program and Order
Proposed by EEOC

1750

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, and THE CITY OF NEW YORK,

Plaintiffs, :

-against- :

LOCAL 638, . . . :
LOCAL 28 OF THE SHEET METAL WORKERS' :
INTERNATIONAL ASSOCIATION, LOCAL 28 :
JOINT APPRENTICESHIP COMMITTEE, . . . :
SHEET METAL AND AIR-CONDITIONING :
CONTRACTORS' ASSOCIATION OF NEW YORK :
CITY, I.R.C., etc., :

Defendants. :

----- x
LOCAL 28, :

Third-Party Plaintiff, :

-against- :

NEW YORK STATE DIVISION OF HUMAN RIGHTS, :

Third-Party Defendant. :

----- x
LOCAL 28 JOINT APPRENTICESHIP COMMITTEE, :

Fourth-Party Plaintiff, :

-against- :

NEW YORK STATE DIVISION OF HUMAN RIGHTS, :

Fourth-Party Defendant. :

----- x
REVISED AFFIRMATIVE ACTION PROGRAM

Introduction

1. Upon the motion of the plaintiffs and the State Division of Human Rights (the "State Division") this Revised Affirmative Action Program ("Revised Program") is adopted after reconsideration and review of the remedial provisions of the Decision and Order dated July 13, 1975, the Order and Judgment dated August 23, 1975 and entered on September 2, 1975 ("Order and Judgment"), the Affirmative

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Action Program entered November 25, 1975, and the Court of Appeals decision dated March 6, 1976 in light of the present changed working and employment conditions in the sheetmetal industry in New York City, including the present severe and widespread unemployment in the industry. The goal of this Revised Program is to assure that in light of these changed circumstances and conditions the non-white* membership in Local Union No. 28 of the Sheet Metal Workers' International Association ("Local 28") reaches a minimum level of 29% by July 1, 1982; to assure that substantial and regular progress is made toward this goal in each year prior to 1982; and to assure that all members and apprentices of Local 28 share equitably in all available employment opportunities in the industry.

2. For the purpose of reaching the above goal of 29% by July 1, 1982 this Revised Program establishes the following interim percentage goals for the nonwhite membership of Local 28:

July 1, 1977	8%
July 1, 1978	11%
July 1, 1979	15%
July 1, 1980	19%
July 1, 1981	24%

Each of the above percentages shall be measured against the total membership of Local 28 as of each interim goal date, respectively, and the final goal date. For the purpose of measurement, total membership shall include (a) all journeyman members, (b) all pensioners** who, while on pensioner

* "Non-white" as used in the Revised Program means black and Spanish surnamed individuals.

** "Pensioner" as used in the Revised Program means any individual who receives benefits from the Local 28 pension program.

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status, have been employed as sheetmetal workers within the three years prior to the goal-date which is being measured, (c) all members or participants in the Local 23 Apprentice Program ("Apprentice Program"), and (d) all individuals who (i) have been offered admission to and membership in Local 23 but have exercised their option, pursuant to Paragraph 16 of the Revised Program or pursuant to a parallel policy adopted by Local 23, to defer such admission and membership and (ii) at the time of measurement have continued to exercise the aforesaid deferment option. The parties to this action and the Administrator are to implement this Revised Program so that these interim goals and the final goal shall be attained. At least once every six months, the Administrator shall review the progress toward the attainment of these goals and shall take any such action as he is empowered to take under the Order and Judgment and which is necessary to assure their achievement. In addition, upon his own motion or that of any party, the Administrator is authorized and directed to periodically review the working and employment conditions in the sheetmetal industry in New York City to determine whether it is feasible and practical to increase the interim goals or reduce the time period within which any interim goal or the final goal shall be met by Local 23 and the JAC. It is the express purpose and intent of this Revised Program to attain the goal of 20% non-white membership in Local 23 and the Apprentice Program at the earliest practicable time.

3. Admission to Journeyman membership in Local 23 shall be attained only through the following procedures:

- a) Successful completion of a 'hands-on' Journeyman test administered pursuant to Paragraphs 5 through 11;

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- b) establishment of proof of the required experience in the sheetmetal trade pursuant to Paragraph 12; or
- c) successful completion of the Local 23 Apprentices Program; or
- d) transfer in accordance with the Sheet Metal Workers' International Union Constitution and Ritual; or
- e) organization of non-union shops.

4. Membership in the Apprentices Program shall be obtained only through the following procedures:

- a) successful completion of an apprentice aptitude test, as set forth in Paragraphs 18-23; or
- b) entry with advanced standing as set forth in Paragraphs 29 through 32.

Advancement to Journeyman Status

5. Local 23 shall administer a validated, non-discriminatory, 'hands-on' journeyman's test under the overall supervision and approval of the Administrator no later than May 1, 1977 and at least once a year thereafter at a date, time and place to be set by the Administrator. The Administrator, after consultation with the parties, may apply to the Court to decrease the frequency of the tests consistent with the requirements of the interim goals set forth in Paragraph 2.

6. The 'hands-on' journeyman's tests administered pursuant to Paragraph 5 shall be professionally developed and validated in accordance with ILEC Guidelines. With respect to the test to be administered by May 1, 1977 as required in paragraph 5, on or before December 31, 1976, Local 23 shall furnish counsel for the parties and the Administrator with (i) a copy of a report demonstrating the validity of the test

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and (ii) a copy of the test to be administered, provided that counsel for the parties and the Administrator shall not distribute or disclose the contents of the test to any individual or organization except for the purpose of professional validation thereof. With respect to all subsequent tests administered pursuant to paragraph 5, Local 28 shall provide the Administrator and counsel for the parties with the information and material described in subparagraphs (i) and (ii) herein at least four weeks prior to the scheduled date of each test.

7. All qualified applicants shall be eligible to take the 'hands-on' journeyman's test specified in this Revised Program. A qualified applicant is defined as follows: any person who

- a) has or will have attained the age of 18 by the date of the test, and
- b) is a citizen or lawful permanent resident alien legally entitled to work in the United States, and
- c) has resided in New York City or the counties of Westchester (N.Y.) Nassau (N.Y.) Suffolk (N.Y.), Passaic (N.J.) Bergen (N.J.) Hudson (N.J.) Union (N.J.) or Essex (N.J.) for six (6) months prior to the filing of an application, and
- d) has one year of sheet metal work experience including but not limited to employment as a member in any branch of Local 400 of the Sheet Metal Workers International Association, sheet metal experience in the Armed Forces, or vocational education or training related to the skills of a journeyman sheet metal worker.

Persons presently registered or recently registered in the Local 28 Apprentice Program or any other recognized apprenticeship program affiliated with the Sheet Metal Workers'

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International Association are not eligible.

8. Subject to the approval of the Administrator, Local 28 shall develop a standardized application form for the 'hands-on' journeyman's test. Such form shall include only the following:

- a) provisions for the name, address, telephone number, social security number, citizenship or lawful resident alien status, residency, record of convictions, age, sex and race or ethnic identification of the applicant (with a notation that information regarding race or ethnic identification is required solely for the purpose of compliance with the court order herein and the regulations of the United States Equal Employment Opportunity Commission), and previous sheet metal experience.
- b) information regarding the eligibility requirements, fee, date, time, location, and nature of the 'hands-on' journeyman's test.

9. Local 28 shall make available an application form for the 'hands-on' journeyman's test and a short description of the nature of the test in the following manner:

- a) at the offices of Local 28;
- b) by mail in response to inquiries and requests made by mail;
- c) in bulk to plaintiffs, the City Department of Employment, the New York State Employment Service, Recruitment and Training Program, Inc., and

Back, and the other governmental or community agencies listed in Appendix A as amended from time to time.

Completed applications for the test shall be accepted by mail or delivery in person at the offices of Local 28. Local 28 may establish, with the approval of the Administrator, a suitable cut-off date for the acceptance of applications. Local 28 may establish a fee for the taking of the 'Henderson' journeyman's test consistent with the cost of administering such a test. Such fee shall be provisionally, \$15.00. Local 28 may apply to the Administrator for an increase in this fee upon good cause shown. Applicants shall be informed, in writing, as to the place of examination with instructions as to how to reach the place and/or a map indicating its location.

10. The 'Henderson' journeyman's test shall be graded by a Board of Examiners consisting of three members knowledgeable in sheet metal. Said Board shall be comprised of a representative chosen by Local 28, a representative chosen by the Administrator, and a representative chosen by the plumbers and the Trade Division. Said Board shall act by majority vote and shall employ the passing grade level developed pursuant to the validation procedures set forth in Paragraph 9. All applicants shall be advised of their status by first class mail within 30 days of the test. Applicants who fail the test shall be advised of their possible eligibility for advanced standing in the apprenticeship program pursuant to Paragraphs 29-32 of Revised Program or pursuant to a parallel policy adopted by Local 28 and/or the Local 28 Joint Apprentice Committee ("JAC").

11. (a) All qualified applicants who pass the test and are physically fit to perform sheet metal work shall

be admitted to journeyman status in Local 28 within 60 days of the test unless the applicant elects to defer admission pursuant to Paragraph 16, or pursuant to a parallel policy adopted by Local 28.

(b) To the best of their ability the parties and the Administrator shall endeavor to set forth on the application form the most accurate estimate of the employment opportunities available in the industry.

12. Commencing January 1, 1977 there shall be established a program for admission to Local 28 journeyman membership of non-whites who have had four years experience, obtained in the United States or elsewhere, in sheet metal work or employment reasonably related or similar to sheet metal work, including experience in the Armed Forces, or vocational training related to the skills of a sheet metal worker. Persons eligible for admission under this program must,

- a) be a resident of New York City,
or the counties of Nassau (N.Y.)
Suffolk (N.Y.), Westchester (N.Y.),
Bergen (N.J.), Passaic (N.J.), Essex (N.J.)
Union (N.J.) or Hudson (N.J.) for
six (6) months prior to application;
and
- b) be age of 18 or over; and
- c) be physically fit to perform sheet
metal work; and

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- d) establish to the satisfaction of a majority of a board of three members knowledgeable in sheet metal work, comprised of a representative chosen by Local 28, a representative chosen by the Administrator, and a representative chosen by the plaintiffs and the State Division that the applicant has the requisite sheet metal experience; and
- e) be a citizen or lawful permanent resident alien legally entitled to work in the United States.

The Administrator, after due consultation with all the parties, shall establish procedures for application to this program, for investigation and verification of the criteria set forth in subparagraphs (a) through (e), and for the timing and conditions of admission. Appropriate publicity for the program shall be undertaken at the direction and with the approval of the Administrator.

13. a) Upon proper application, a non-white eligible for admission to journeyman membership in Local 28 pursuant to Paragraphs 9 through 12 or Paragraph 31 (c) of this Revised Program may request of Local 28's Executive Board that the Local 28 initiation fee be reduced pursuant to the provisions of Paragraph 22(d) of the Order and Judgment. Within 5 days of receipt of such application, the Local 28 Executive Board shall render a decision on the application in writing and notify the applicant, the Administrator and the parties of the disposition of the application (the notification to the Administrator and the parties shall include the name and address of the applicant). If such application is denied in whole or in part, or is not acted

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upon within five days of its receipt by the Executive Board of Local 23, an application may be made to the Administrator who shall either grant or deny the request in writing after duly considering all the factors set forth in Paragraph 22(d) of the Order and Judgment. In considering such an application the Administrator may require the submission of such information, documents, or other data from either Local 23 or the applicant as he deems necessary.

b) Upon proper application a non-white eligible for admission to journeyman membership in Local 23 pursuant to Paragraphs 5 through 12 or Paragraph 31(c) may request of the Local 23 Executive Board that payment of the Local 23 initiation fee commence with employment and be payable on a pro rated basis, each payment not exceeding 10% of the net pay check, and payable only during periods of employment until the fee is paid. Within 5 days of the receipt of such application the Local 23 Executive Board shall render a decision on the application in writing, and notify the applicant, the Administrator and all parties of the disposition of the application (the notification to the Administrator and the parties shall include the applicant's name and address). If such application is denied in whole or in part or not acted upon within 5 days of its receipt by the Executive Board of Local 23, an application may be made to the Administrator who shall either grant or deny the application in writing. The decisions of the Executive Board of Local 23 and the Administrator shall be made having duly considered the financial circumstances of the applicant.

14. a) At any time after an application pursuant to Paragraph 13 has been pending with the Administrator for more than 5 days a non-white eligible for admission to journeyman membership in Local 23 pursuant to Paragraph 5 through 12 or Paragraph 31(c) of this Revised Program shall

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be admitted conditionally to journeyman membership upon payment of \$56 dollars and one month's dues pending the determination of the Administrator which shall be made within 30 days of the date of the application to the Administrator. During such conditional membership an applicant will be entitled to all the rights and privileges of regular journeyman membership.

b) If a conditional member is terminated without becoming a regular journeyman member of Local 26 he shall be entitled to a return of any dues paid in advance for any month in which he was not employed and, if he was not employed during his conditional membership, he shall also be entitled to a return of any payment made toward the initiation fee.

15. The granting of any application pursuant to Paragraph 13 shall not diminish any rights or privileges accruing to journeyman membership in Local 23.

16. A person eligible for admission pursuant to Paragraphs 5 through 11 shall be permitted to defer such admission for up to twelve months from the time he is first entitled to be admitted. During such period, a person who has elected to defer may apply to the Administrator for further deferral of admission, and upon a showing of good cause, the Administrator may continue such deferment for such time as the Administrator shall determine. If an applicant invokes his right of deferral he shall be admitted, on the same terms and conditions as he was previously entitled, within 5 days of written notice to Local 26 that he seeks to be admitted.

17. Local 26 shall issue "permits" or "identification slips" only with the express written consent of the Administrator, and pursuant to Paragraph 22(f) of the Order and Judgment.

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Apprentices Program

18. The JAC shall maintain an Apprentices Program of four years duration or less. The terms and conditions of the apprentices program shall be as set forth in the Collective Bargaining Agreement ("Standard Form of Union Agreement . . . between Local 23 . . . and Sheet Metal Contractors"), the Local 23 Joint Apprenticeship Trust and Indenture, and the rules and regulations thereunder except as modified by the Order and Judgment, the provisions of this Revised Program, or order of the Administrator pursuant to his powers under the Order and Judgment and this Revised Program.

19. The JAC shall indenture no less than 50 apprentices by February 1977 and another class of apprentices (in a number to be determined as set forth below) by July 1977. The JAC shall indenture two classes of apprentices each year up to and including July 1982; the classes shall be indentured in February and July of each year. Upon consideration of the goals of this Revised Program, the availability of employment opportunities in the industry, and after consultation with the parties and 60 days before each class is indentured, the Administrator shall determine the number of apprentices to be indentured in each class. The numbers of apprentices to be indentured shall include those apprentices admitted with advanced standing.

20. a) Seniority among apprentices shall not be a criterion for employment, and apprentices may be retained for employment where necessary and feasible.

b) On job sites or shops employing four or more journeymen sheet metal workers, apprentices shall be assigned for employment on a ratio of not less than one apprentice for every four journeymen, except that upon an

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application by the JAC, Local 28, or an employer and a subsequent finding by the Administrator that said ratio on a particular job site or shop is not feasible or creates a safety or health hazard this ratio shall not apply to that job site or shop. Every two weeks, the Contractors Association shall submit to the Administrator and the parties a Manpower Control Report setting forth on a weekly basis, the number of journeymen and apprentices employed by Local 28 contractors on each job site or shop.

c) The JAC shall make every effort to provide apprentices with classroom instruction, including evenings and Saturdays where necessary, during periods of unemployment, and shall credit such hours toward fulfillment of apprenticeship requirements. The JAC may authorize the accelerated advancement or graduation of any apprentice as it deems proper.

d) In addition to seeking employment through the JAC, apprentices shall have the right to solicit employment directly through contractors in signed agreements with Local 28. An apprentice who secures employment through this direct solicitation method shall immediately inform the JAC in writing of the name of the employer, the date of employment, the address of the job site or shop, and the expected length of employment. Upon termination of such employment an apprentice shall so inform the JAC.

21. Upon successful completion of the Apprentices Program, apprentices shall be properly admitted to full journeyman membership upon payment of the balance due of the initiation fee, if any, which upon application to the Local 28 Executive Board may be paid on an installment basis for good cause shown, and subject to the procedures contained in Paragraph 13.

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22. Applications for the Apprentice Program shall be made available to and accepted from any qualified candidate. A qualified candidate is defined as follows: any person who is deemed physically fit for sheet metal work and who has or will have attained the age of 18 years by the date of indenture of the next scheduled apprentice class and who is not older than 25 years of age (for veterans of active military duty the age limit is extended one year for each year of such duty up to the age of 30) and for non-whites not over the age of 35 applying for advanced standing, and who is a citizen or permanent resident alien.

23. With the approval of the Administrator, JAC shall develop a standardized application form for the Apprentice Program. The application form shall include information about the date of the next class of apprentices to be indentured, and shall require only the following information of the applicant:

- a) Name, address and telephone number;
- b) Birth date and age;
- c) Social Security number;
- d) Level of education;
- e) Sex;
- f) Race or ethnic classification (with a notation that this information is required solely for the purposes of compliance with federal anti-discrimination statutes);
- g) Military service;
- h) Convictions and pending criminal charges;
- i) Citizenship or lawful permanent resident alien status.

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24. Application forms for the Apprentice Program shall be available at the offices of the JAC during normal business hours and at the offices of the organizations listed in Appendix A at least 60 days before an examination. Application forms shall be made available by mail upon written request. Completed applications shall be accepted in person or by mail at the offices of the JAC. There shall be a filing fee of no more than \$15.00. Application forms shall be made freely available to any governmental employer's office and minority community organization not listed in Appendix A upon request. The time for filing applications for a particular apprentice test may be closed by the JAC at a reasonable time (not to exceed three weeks) before the date of the examination.

25. a) An apprentice attitude test shall be given in May, 1977 and at least once yearly thereafter at a date, time and location approved by the Administrator. The test shall consist of either one of the following: (a) a mechanical comprehension test, which has been validated under EEOC Guidelines, similar in substance and scope to the mechanical comprehension test administered by JAC in April 1969, or (b) a spatial relations test, which has been validated under EEOC Guidelines, similar in substance and scope to the spatial relations test given in December 1975.

b) The JAC may apply to the Administrator to give a basic "read and follow directions" test which has been validated under EEOC Guidelines and is designed to ascertain an applicant's ability to raster and understand those written and verbal instructions, directions, and communications necessary to participate in the Apprentice Program at the first year level; upon good cause shown, the Administrator shall authorize the administration of such a test as part of the apprentice attitude test. There shall be professionally developed and validated a qualifying score

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on the "read and follow directions" test designed to reflect the minimum ability necessary to participate in the Apprentice Program at the first year level. The JAC may also apply to the Administrator to give a math test as part of the apprentice aptitude test, and such test may be given upon good cause shown. Such math test shall be professionally developed and validated (pursuant to EEOC Guidelines) as to content and qualifying score in such manner as to reflect the minimum ability necessary to participate in the Apprentice Program at the first year level.

c) With respect to the apprentice aptitude test which is to be administered in May, 1977, on or before March 1, 1977, the JAC shall furnish counsel for the parties and the Administrator with (i) a copy of a report demonstrating the validity of the test and (ii) a copy of the test to be administered, provided that counsel for the parties and the Administrator shall not distribute or disclose the contents of the test to any individual or organization except for the purpose of validation thereof. With respect to all subsequent tests administered pursuant to this paragraph, the JAC shall provide the Administrator and counsel for the parties with the information and material requested in subparagraphs (i) and (ii) herein at least four weeks prior to the schedule date of each test.

26. Within three weeks of the administration of an apprentice aptitude test, JAC shall provide the Administrator and all parties with:

- a) the names, race identification, raw scores and rank of all candidates on all tests; and

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- b) the mean and median scores on all tests of all identifiable racial and ethnic groups among the candidates.

27. In fulfillment of JAC's and Local 28's obligations under Paragraphs 19, apprentices chosen by means of the apprentice aptitude test shall be selected on the basis of the ranking of scores (highest first) received on the mechanical comprehension test or the spatial relations test (depending on which test is administered) among all eligible qualified candidates. If a "read and follow directions" test and/or a math test is administered pursuant to paragraph 25, then ranking and selection based upon scores on the mechanical comprehension test or the spatial relations test shall be from among those applicants who meet or exceed the qualifying score on the "read and follow directions" test and/or the math test.

28. Persons selected for the Apprentice Program may be required to appear for orientation and a physical examination prior to being indentured. The cost of physical examinations are to be borne one half by successful applicants and one half by the JAC. Additional persons may be invited to orientation and a physical examination by Local 28 JAC if that appears desirable. Persons selected in accordance with the above procedures shall be indentured as apprentices unless such indenturing is waived by them, or they are certified physically unable to perform sheet metal work by a medical practitioner licensed in New York State.

Advanced Apprentices

29. There shall be established by the JAC procedures for the admission and advanced placement in the Apprentice Program of non-white apprentices who have experience in sheet metal work or trade education but cannot

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perform at journeyman level. Applicants for advanced placement shall have at least six months experience in sheet metal work or trade education, be physically fit and shall be not less than 18 years old or more than 35 years old by the date of indenture of the next scheduled apprentice class.

30. The Training Coordinator of JAC (the "Coordinator") shall evaluate the experience of all applicants for advanced standing and shall make placement of an appropriate grade level. The grade level assigned shall be conditional for a period to be determined by the Coordinator, not exceeding three months, based upon classroom work and on the job performance. Applicants who challenge the grade level assigned shall be advised of their right to appeal to the Administrator.

31. a) The Administrator shall determine the number of advanced apprentices to be admitted from the list resulting from each test, based upon the needs of the Apprenticeship Program at any given time and the number of applicants eligible for advanced standing as certified by the Coordinator.

b) Apprentices who meet the requirements of Paragraph 29 shall be selected for advanced standing in the following manner:

(i) Those whose ranking on the Apprenticeship aptitude examination qualifies them for acceptance into the Apprenticeship Program pursuant to Paragraph 19 shall be selected in accordance with their ranking and admitted with advanced standing, subject to the number determined by the Administrator pursuant to subdivision (a) of this paragraph.

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(1f) if there are insufficient apprentices who qualify for advanced standing selected by the procedure contained in subdivision (b)(i) of this paragraph to satisfy the number determined by the Administrator, additional apprentices to reach this number shall be selected in ranked order, from those who are over 15 years of age and whose score on the apprentice aptitude examination places them below the number otherwise selected pursuant to Paragraph 19.

c) The number of apprentices admitted with advanced standing under subdivision (b)(i) of this paragraph shall be included in the number of apprentices selected pursuant to Paragraph 19. The number of apprentices admitted with advanced standing under subdivision (b)(ii) of this paragraph shall not be included in the number of apprentices selected pursuant to Paragraph 19.

d) An advanced apprentice shall be entitled to all rights, privileges and other benefits including work referral, pay, instruction, and supervision accruing to regular apprentices at the same level of training.

e) Apprentices admitted with advanced standing pursuant to Paragraphs 29 through 31 who successfully complete the Apprentice Program may make the applications provided for in Paragraph 13 of this Revised Program.

f) Advanced apprentices assigned for work may be utilized to satisfy City and City-assisted contract requirements for the employment of minority trainees.

22. The Coordinator shall develop a pre-orientation study group program so as to familiarize all applicants for the Apprentice Program with the type of test that they

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will be given. All applicants shall be notified in writing at least two weeks in advance of the apprentice aptitude test that the study program is available to them. Such notice shall contain the date, time, and location of the study group meetings. The meetings shall be held in the evening after 6:30 P.M. At such time as shall be determined by the Administrator but in no event later than March 31, 1977, the Coordinator shall submit a detailed program including but not limited to teaching methodology, program materials, and organization of the groups.

Records

33. In addition to any other records or lists required to be maintained under the terms of this Revised Program or the Order and Judgment, Local 28 and JAC, as the case may be, shall maintain separately for whites and non-whites, records and lists containing the following information, beginning with the effective date of the Affirmative Action Program entered on November 25, 1975.

- a) Persons who request an application for or apply to take the 'hands-on' journeyman's test described in Paragraph 5;
- b) Persons who take the 'hands-on' journeyman's test described in Paragraph 5;
- c) Persons who pass the 'hands-on' journeyman's test described in Paragraph 5;
- d) Persons who apply for journeyman admission on the basis of experience, described in Paragraph 12.

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- e) Persons who are admitted, and those rejected, for journeyman membership on the basis of experience, described in Paragraph 12;
- f) Persons who seek or apply to transfer into Local 28 from an affiliated sister local union;
- g) Persons who inquire of Local 28 about the possibility of transferring into Local 28 from an affiliated sister local union;
- h) Persons who inquire of Local 28 as to the availability of work opportunities with or through Local 28, including but not limited to inquiry about or seeking "permits" or "identification slips";
- i) Persons to whom "permits" or "identification slips" are issued or work opportunities with or through Local 28 are otherwise made available.
- j) Persons who contact Local 28 or JAC seeking sheet metal work;
- k) Persons who are employed as sheet metal workers or apprentices by Local 28 contractors.
- l) Persons working in sheet metal shops at the time they are organized by Local 28.

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- m) Persons who are reinstated to journeyman membership or membership in the Apprentices Program;
- n) Non-whites who apply for advanced standing in the apprenticeship program described in Paragraphs 29-32;
- o) Non-whites who are granted advanced standing in the apprenticeship program and the standing granted as described in Paragraphs 29-32;

The records and lists specified in subsection (a) through (o) of this Paragraph shall contain the name, address, race, or national origin, union affiliation, if any, of each individual listed therein, as well as the date of the application, test, inquiry, contact, or employment (and name of the contractor, where applicable), and the disposition with reasons, of each such application, test, inquiry, contact or employment. Copies of these records and lists shall be submitted to counsel for the parties and the Administrator at least once every three months.

Said records and lists may exclude telephonic requests for information. However, individuals requesting information by telephone shall be informed that their requests should be made in writing, and a form for this purpose shall be sent to such individual.

34. Local 23 or JAC, as the case may be, shall submit the following data to the Administrator and the parties at the time specified:

- a) the name and race identity of persons admitted into (i) journeyman status in Local 28 or (ii) apprentice status in the Apprentice Program, within 5 days of such admission;
- b) on January 1 and July 1 of each year the total number of (i) journeyman members of Local 28 (as defined in Paragraph 2), and (iii) apprentices. Such reports shall include the percentage of non-whites in each group.

35. The JAC shall maintain complete records of all applications and other material concerned with the selection and work records of apprentices. These records shall include but not be limited to an applicant log for each examination showing the name, race, date of birth of each applicant, dates of completion of each step in the application procedure, and disposition of each step in the application procedure, and disposition of each application. All such records shall be made available for inspection and copying by the plaintiffs and the State Division at reasonable intervals during normal working hours or at other mutually convenient times. In addition, records shall be submitted to the Administrator and plaintiffs as follows:

- a) Prior to each apprentice entrance test and within 7 days of the closing of the application procedure, the JAC shall submit a report including the following information for each person who filed or requested an application for that apprentice examination: name, address, telephone

11-154 number and race or national origin, if known, for those who request applications.

b) Within 20 days after indenturing a class of apprentices the JAC shall provide a report of the name and ethnic classification of all persons who were selected during the application and testing period and the reason therefore and the names of all persons whose application became inactive and the reason therefore.

c) Every six months subsequent to the indenturing of a class of apprentices the JAC shall furnish a report giving the names of all non-white apprentices, the name(s) of contractors to which each was referred and the number of hours worked.

d) The Joint Apprenticeship Committee shall furnish the names of all non-white apprentices who are dropped from the Apprentice Program. Said information shall be furnished within ninety days from the date action is taken by the Joint Apprenticeship Committee. Said report shall contain the reason why the individual was dropped from the Program and the action taken by the Joint Apprenticeship Committee to retain the individual in the Program. The report shall also include the training and employment history of the individual while he was in the Program. The Joint Apprenticeship Committee shall furnish the names of all non-white apprentices who leave the Program either voluntarily or by action of the JAC. Such report shall contain the reason the apprentice has left the Program as ascertained by an on-site interview with the individual. Said information shall be furnished within ninety days from the time the JAC is notified that the apprentice has left the Program.

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36. All records and files required to be compiled by this Revised Program shall be maintained for ten years and shall be made available for inspection and copying by all parties and the Administrator on reasonable notice during regular business hours or at any other mutually convenient time without further order of the court.

Advertising and Publicity

37. The parties shall use their best efforts to disseminate accurate information to the non-white community of opportunities within Local 28 and the Apprentices Program.

38. Prior to each "hands-on" journeyman's test and apprentice aptitude test, at a time to be selected by the Administrator to insure full coverage and effectiveness, Local 28 (in the case of the "hands-on" journeyman's examination) and MC (in the case of apprentice aptitude tests) shall undertake a program of advertising and publicity, under the overall supervision of the Administrator, designed to inform the non-white community in New York City of the date, location, and nature of such examinations, the locations there for and the opportunities available upon successful completion of the test. Additionally, the overall apprentice-ship recruitment and publicity campaign shall include a component directed toward advanced apprenticeship opportunities for further training and electronic media, dissemination of material to community, governmental and minority organizations. The City of New York may provide space and opportunities for such publicity.

39. By April 1977, Local 28 and MC shall provide to the Administrator and the other parties a written plan of an effective general publicity campaign designed to

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inform the non-white community in New York City of non-discriminatory opportunities in Local 28 and the Apprentice Program as provided in the Order and Judgment and this Revised Program. The other parties shall have 30 days to comment upon the written plan and the Administrator, having considered all submissions, shall revise the plan if he deems necessary and shall order it into effect by May 1, 1977.

Work Referral

40. The Administrator shall conduct a study of the present Local 28 work referral system as described in the written agreement set forth pursuant to Paragraph 11(c) of the Order and Judgment. This study shall be completed by January 1, 1977 and the Administrator shall submit to the parties such recommendations he deems necessary to ensure that non-white persons have a disproportionate share of employment.

Resolution of Disputes

41. a) The Administrator shall have jurisdiction over all disputes concerning the operation of the Order and Judgment and this Revised Program and shall decide any question of interpretation and claims of violations of the Order and Judgment and the Revised Program, acting either on his own initiative or at the request of any party herein and interested persons. All decisions of the Administrator shall be final and shall be enforceable by the Court.

b) Any party or any individual aggrieved by this Revised Program may make a complaint to the Administrator within thirty days after the date then contained in the Order and Judgment. The Administrator shall give the parties notice of such complaint within five days and, where a hearing is held,

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discretion warranted, expeditiously schedule such hearing.

General Provisions

42. Local 23 and the JAC shall post conspicuous notices, in language and at locations approved by the Administrator, advising individuals of their rights under this Revised Program within 60 days after the Revised Program is approved by the Court.

43. Nothing contained in the Revised Program shall be construed as preventing the Executive Board from adopting portions of the Revised Program for the benefit of white and other minorities provided that such plans do not interfere with the operation of this Revised Program.

44. Except as modified, changed or amended by the terms of this Revised Program, or order of the Administrator, Local 23 and JAC shall not change, modify or amend any aspect of the operation or content of the Apprentices Program, or conditions or terms upon which an individual shall become a member of the Apprentices Program of Local 23 or entitled to work within the jurisdiction of Local 23.

45. At any time, any of the parties herein may apply to the Administrator and then to the Court for the purpose of seeking additional orders to insure the full and effective implementation of the terms and intent of this Revised Program.

Dated: New York, New York

November , 1976

Administrator

SO ORDERED :

U. S. D. J.

Dated:

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Dated: New York, New York

November , 1976

DAVID J. TROTT
Administrator

SO ORDERED :

W. S. J. J.

Dated:

Administrator's Report

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, and THE CITY OF
NEW YORK,
:
:
Plaintiffs,
:
- against - 71 Civ. 2877 (EFW)
:
LOCAL 638 ADMINISTRATOR'S
LOCAL 28 of THE SHEET METAL WORKERS' REPORT
INTERNATIONAL ASSOCIATION, LOCAL 28
JOINT APPRENTICESHIP COMMITTEE . . .
SHEET METAL AND AIR-CONDITIONING
CONTRACTORS' ASSOCIATION OF NEW YORK
CITY, INC., etc.,
:
Defendants.
:
-----x

By motion filed on November 19, 1976 the Equal Employment Opportunity Commission (EEOC) has requested that the Court revise the Affirmative Action Program and Order (AAPO) entered November 25, 1975. Judge Werker has directed the Administrator to hear and report on the EEOC's motion. On December 21, 1976 the Administrator held a hearing in which all parties were afforded an opportunity to elaborate on their position and respond to the position of the other parties. At that hearing the City of New York and the State Division of Human Rights indicated that they were in basic accord with the substance of the position taken by the EEOC.

The EEOC's Memorandum of Law sets forth their reasoning for revising the AAPO. Basically, the EEOC believes

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that the current AAPO is unworkable and unenforceable because of the difficult economic conditions in the construction industry, the Second Circuit's decision which severely restricted the use of racially based ratios or preferences, and the Defendants' current work practices.

The following are the observations and recommendations of the Administrator. [References are to sections of the Revised AAPO filed by the EEOC unless otherwise noted.]

1. Sections 1 and 2. The EEOC moves that the deadline for reaching the court mandated 29% goal be set back to 1982. The EEOC correctly points out that only minimal progress has been made in attaining either the ultimate goal or the interim goals contained in the original Program. Defendant Local 28 (Local 28) contends that it would be premature to set the goal back at this time and that such an adjustment can always be made in the future. Local 28 goes on to argue that any interim goals are meaningless during this period of high unemployment, and that Local 28 is doing everything reasonably possible to bring in non whites; consequently, the only meaningful goal is the end goal of 29%. The City of New York disagrees with both the EEOC and Local 28 and argues that the interim goals should not be moved downward at this time.

There is, of course, no question that the Court can modify its orders to conform to changed conditions; however, the current goal deadline of 1981 appears to be clearly

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unattainable. There is no rational reason why an unattainable goal should be kept. Despite Local 28's contention that the cost of the Administrator is too heavy a burden for Defendants to bear for an additional year (although the Administrator does recognize the fact that this entire litigation has been very costly, especially where the union has a shrinking membership) the argument of Local 28 is rejected. No one can accurately forecast the costs of administering the program into 1982 and, while the claim of poverty may very well be true today, to state what the conditions will be in 1982 is to engage in sheer speculation. Therefore, the end date of 1982 is recommended.

With regard to the interim goals, the goals set in the original Program are also unobtainable and serve little purpose under current conditions. Nonetheless the concept of interim goals is valid and must be maintained in order to properly monitor any long term affirmative action program. There is no contention by the EEOC that the interim goals are mandatory and that defendant Local 28 could be held in contempt for failing to meet them, if Local 28 has engaged in good faith efforts in this regard. The sole purpose of interim goals are to afford the parties and the Administrator with some device to measure progress so that, if warranted, other provisions of the program could be modified to reflect change circumstances.

The new schedule of interim goals is recommended.

The new definition of "total membership" as proposed by the EEOC and agreed to by the parties is recommended.

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2. Sections 3 and 4 are recommended.

3. Sections 5 and 6. The EEOC moves that the next journeyman "hands on" test be given no later than May 1, 1977. The EEOC contends that the sheet metal trade has traditionally had an upswing of work in the spring and summer and that new journeymen would have a chance to obtain the employment if the test were administered in the spring. Local 28 requests that no new test be given until mid-1978 and cites both the high unemployment rate and the cost factor in administering a new test. Based upon the costs of the previous test, which contained a substantial advertising component, there is no real dispute with Local 28 that the cost of administering a test is high, even should the advertising package be greatly reduced. On the other hand, the fact that a test is put off until mid-1978 does not in any way reduce costs. Since Local 28 cannot demonstrate, and in fact has not even argued, that it will be in a better financial condition in 1978, the cost factor, while relevant, is not determinative. Local 28's argument of the futility of giving a test in the present economic climate, and the Employers Association's position on potential jobs, indicating no new major work for at least one year, carry far more persuasiveness than Local 28's cost factor argument. After weighing all the competing factors it is recommended that the next journeyman test be administered no later than March 1, 1978. However, such recommendation is contingent upon the availability of the alternative entry method provided for in Section 12 of the Revised AAPO, i.e. the four

year experience program. Should that program be struck by the Court it is recommended that the "hands on" test be given within 90 days of the Court's decision, but in any event no later than March 1, 1978.

The validation and test material required to be provided by Section 6 should be provided at a date set by the Administrator. Since the validation material has not yet been completed and will not be completed until a review is undertaken by plaintiffs' experts there is no point in setting a specific date at this time.

4. Sections 7, 8, and 9 are recommended.

5. Section 10 and 12(d). Defendant Local 28 again objects to the tripartite reviewing board inferring that it is an unwarranted intrusion into internal union affairs. The court correctly provided for such review in the original AAPO and nothing the union has done since July 1975 would warrant altering or withdrawing this provision. In fact, the union's own position that they will apply to whites the same criteria afforded non whites mandates that there be uniformity in the criteria and that such criteria be established beyond suspicion.

Additionally, while the Administrator has learned a great deal about sheet metal in the past eighteen months there is no question that he would not be in a position to make judgments requiring trade expertise. Consequently, if there were no tripartite board the Administrator would, nonetheless, have to retain a sheet metal expert to advise him in technical matters. It is also likely that the plain-

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tiffs would want someone with trade expertise available to them to advise them on technical matters. We would then have come full circle, except that disagreements among the experts would have to be resolved by the not-so-expert Administrator. It seems far more logical, and efficient, to have an expert board which can resolve disputes among themselves.

Defendant Local 28's argument that the creation of a tripartite board for grading the journeyman "hands on" test and reviewing the qualification of applicants under the four year experience admission program is equivalent to the replacement, by the Court, of a white JAC member by a non white is rejected. The original and Revised AAPO are "color blind" as to the makeup of the tripartite board. The original board was composed of a white person, a black person, and a spanish surnamed person. This composition occurred by chance since the racial makeup is nowhere dictated by the AAPO; as compared to the specific non white directive regarding the JAC contained in the Order and Judgment.

The tripartite board is a necessary component to the AAPO and its retention is recommended.

6. Section 11 is recommended.

7. Section 12. Local 28 objects to the four year experience admission program for non whites contending that no one who is truly qualified should object to taking a validated test. Local 28 further contends that where one has a valid test any alternate method of entry aimed at non

whites creates an impermissible preference. Local 28's objections are rejected and the four year program is recommended.

Even Local 28 recognizes that some persons may have difficulty in a testing situation and that, although the applicant is qualified, they may fail the test. [Tr. Bogen 74.] At the conclusion of the October 1975 journeyman test the Administrator was apprised of allegations by non whites that the non whites were intimidated by the test environment. That environment included some minor picketing of test sites by a few union members objecting to the Court's order, test sites located in a white working class neighborhood, picture taking of applicants by the white JAC coordinator, and the fact that each test site was being overseen by whites. The Administrator was present at the test sites and can state that, aside from the unsanctioned sporadic picketing, Local 28 did not evidence any intent to create a hostile testing situation. Nonetheless, conditions were certainly not ideal. There is no way that one can measure, at this date, the true impact of the environment on the October test scores, but it does appear that some psychological pressures did exist.

Local 28 also contends that where you have a valid test no other entry method is permissible, if such method shows a preference. Even under the original Program, Section 47 specifically authorized Local 28 to adopt for whites any provision in the Program aimed at non whites. And, in fact, Local 28 did follow that policy. Consequently, there would have been no preference since the four year experience program would have been available to all persons.

However, in order to make clear that no broad based "preference" is intended Section 12 should state, explicitly, that this alternate entry method is available to everyone by deleting the word "non-whites" and by substituting "persons."

It is important to point out that while the Supreme Court in Griggs v. Duke Power Co., 401 U.S. 424 (1971), and Albermarle Paper Co. v. Moody, 422 U.S. 409 (1975), made it clear that it would be unlawful to give a test which disqualifies a disproportionate number of non whites if such test cannot be shown to be related to job performance, neither the Court nor the EEOC Guidelines state that one and only one selection device can be used. Nothing in these cases precludes an employer or union from having alternative selection devices so long as these devices can be shown to be job related.

The AAPO provides for two separate and distinct but not necessarily mutually exclusive entry methods. The first is a hands on test which can be taken by persons meeting the eligibility requirements set forth in section 7: subsection (d) of this provision requires only one year of sheet metal experience. The second entry method is the four year experience provision. As long as both selection devices are demonstrably reasonable measures of job performance and neither serves to create preferential treatment there is no rational reason for not having more than one method of obtaining journeyman status.

Selection method one, the test, is being validated to insure that the actual test given is, in fact, related to the type of work that journeymen sheet metal workers perform. Selection method two, the four year experience program, is simply a screening process to insure that the four years of experience

claimed by the applicant is the type of experience necessary to perform journeyman work. It is important to note that when the first tripartite board was selected (prior to the Court disqualifying the choice of the plaintiffs) the Administrator charged the board with the responsibility of defining, with particularity, the phrase "four years experience." Additionally, the board was to prepare a list of specific questions, and appropriate responses, for use by the board in reviewing applicants. Such questions were not to be a test but rather were to be directed at the type and length of experience claimed. For example, the board would not ask what a "brake" is used for but might ask what kind of shops the applicant worked in, and what type of work he performed. Failing to satisfy a majority of the board that the applicant has the requisite sheet metal experience does not preclude the rejected applicant from taking the "hands on" test, and if the applicant can pass the test he can still enter the union.

The contention by Local 28, on the other hand, in arguing against the four year experience program, that if an applicant cannot pass the "hands on" test but has considerable experience then, upon some kind of application, the Administrator might be able to direct some special consideration is rejected as improbable and unrealistic. [See Tr. pp. 73-75.]

The force of the argument in favor of the four year experience program is clearly increased when Local 28 requests that the next test be held in mid-1978 and, at most, there will be only annual tests thereafter. Why should any person, who has the requisite trade skills, have to wait at least a year between tests? The contention that there are

no jobs available, in this context at least, has no merit since the choice of whether to join Local 28 should be up to the potential applicant -- not the union, which has a vested interest in restricting membership during times of high industry unemployment.

When the Circuit Court struck down the apprenticeship ratio it noted that the result of the decision was to place a heavy burden upon direct qualification and admission as the means of reaching the 29% membership goal. If the only method of direct entry to journeyman membership, other than transfer, was to be single annual validated test, the burden would be greatly increased.

The arguments of Local 28 are rejected and Section 12 is recommended.

8. Section 13(a). Local 28 contends that this section creates an unlawful preference because it affords only non whites an opportunity to pay a reduced initiation fee. This provision is a direct carry over from Paragraph 22(d) of the Order and Judgment, which is now the law of the case since the Circuit Court has decided the appeal on the Order and Judgment and Paragraph 22(d) was left intact. Notwithstanding this fact, the reduction in initiation fees is not an impermissible preference since it only applies to a non white who would have been eligible for membership in Local 28 absent Defendants' discriminatory conduct, and it does not apply to every non white who now seeks union membership.

9. Sections 14 and 15 are recommended.

10. Section 16. The EEOC suggests that the journeyman deferral period be modified to reflect the current economic realities, provide the Administrator with additional flexibility, and establish a shorter re-entry period (5 days) to afford greater job opportunities to the deferred applicants.

Defendant Local 28 takes the position that a reduction of notice time for deferred applicants to change their status from 30 days to 5 days is unreasonable, and cannot be met. The EEOC and the City contend that not only can it be met but that to have a re-entry period of 30 days has a chilling effect upon person wishing to seek work in the industry. Additionally, the EEOC contends that Local 28's refusal to go along on this point demonstrates their lack of cooperative spirit. All three parties have an element of truth in their respective positions; therefore, with due respect to King Solomon, it is recommended that the re-entry period be reduced to 15 days but that upon good cause shown an applicant may apply to the Administrator to direct a more expeditious re-entry.

The question of the Administrator's authority to continue a deferral past the initial twelve months, upon a showing of good cause by the applicant, raises a more serious issue. Local 28 contends that the Administrator's authority should not be "unknown" and "limitless," and that the Revised AAPO should set some limit such as six or twelve additional months. Local 28 also contends that the record keeping would be burdensome. These contentions are rejected. There is no cogent reason why a person who has passed the journeyman test, and the requirements of Section 12 of the

Revised AAPO, should be in a different position than a journeyman who takes a withdrawal card from the union. Other than some relatively minor fee payments, the record indicates that a member who takes a withdrawal card has no substantive impediments to his return at any future time to the union's rolls as an active member. [See Tr. p.18 and letter from Sol Bogen made part of the record] Consequently, there is no reason to create an artificial time barrier for deferred applicants. It is, therefore, recommended that no restrictions, beyond the requirement of a good cause finding, be placed on the Administrator.

11. Sections 17 and 18 are recommended.

12. Section 19. The EEOC has recommended that 50 apprentices be admitted into the February 1977 class. This number is based upon the figures prepared by the EEOC (See EEOC's Memorandum p.14). Defendant JAC objects to taking in 50 apprentices and sets forth their own figures to support their contention that the industry cannot support 50 new apprentices (See JAC Memorandum p.4). Additionally, the JAC contends that 50 new apprentices are not needed to reach the first interim goal. No one seriously questions the proposition that if new apprentices are not started in the pipeline now, then four or five years from now Local 28 will be little further along in reaching its ultimate goal than it is today. The hotly debated question is what action is appropriate, under all the conflicting circumstances, to insure that non whites are afforded an opportunity to enter Local 28 so that when jobs do become available they have an equal opportunity to obtain sheet metal employment.

After careful consideration of this matter the Administrator is not wholly convinced that the JAC and the employers have done everything reasonably possible to insure a viable apprenticeship program. In reviewing JAC Exhibit 1 to the hearing held on August 19, 1976 (See 8/19/76 transcript) one cannot help but be struck by the fact that while some employers have managed to maintain ratios of journeymen to apprentices as low as 4:1, other employers have ratios such as 30:1, 27:1, 20:1; while others have no apprentices at all.

The Employer's Association contends that economic reality and the type of work available dictates the number of apprentices that can be employed. [See transcript of August 19 hearing.] The JAC notes that at the present time there are 19 unemployed apprentices and that the decision to recommend that 25 new apprentices be indentured was not based upon the number of available jobs but was instead based upon the minimal number of apprentices need to maintain a viable program. The plaintiffs contend that training opportunities can be provided to 50 new apprentices if the JAC and employers were willing to make greater efforts.

Although the Administrator also believes that greater efforts to train apprentices are possible, one cannot help but be struck by the fact that of 53 apprentices indentured in February 1976 only 31 remain and that there are currently 19 unemployed apprentices. Since neither the parties nor the court has any current ability to reach the individual employers who, in fact, control apprentice employment opportunities, there is no way to insure that all indentured apprentices will receive sufficient on-the-job training (employ-

ment) to keep them from dropping out of the program. In weighing this factor, against the uncontested fact that the apprenticeship program is the major entry method into sheet metal work, it is evident that some balance must be reached. In reaching this balance the fact that some employers have more than twenty journeymen, but only one or two apprentices, cannot be ignored. Additionally, if one were to assume that the new first term class will lose, by attrition, 25% of its apprentices by 1978 (a figure which appears to be conservative when measured against the 42% loss in 1976) that would leave only 19 of the original 25 apprentices. Based upon the projected attrition, and the Administrator's belief that not quite all training opportunities have been fully tapped, it is recommended that the apprenticeship class for February 1977 contain no less than 36 apprentices.

With regard to the number of apprentices for future classes, the Administrator is in agreement with Defendants that the initial numbers should be arrived at through the collective bargaining process and that, thereafter, the Plaintiffs could respond to the proffered numbers. The Administrator would, of course, retain the authority to review the parties' positions and, if necessary, either on application or his own motion determine whether or not such numbers are in accord with the goals and purposes of the Revised AAPO. Where such numbers are found not to be in accord, the Administrator could set the numbers.

As modified, section 19 is recommended.

14. Section 20(b). The question of apprentice to journeyman ratios has been one of the most complex problems that has faced the parties and the Administrator. In an effort to understand the conflicting positions of the parties on this issue the Administrator held an on-the-record conference on August 19, 1976 (See enclosed transcript).* The discussion at that hearing clearly indicated that the original AAPO provision requiring at least a one to four ratio was not workable. The EEOC has now proposed that the original 1:4 provision be replaced with a new provision which is considerably more flexible and which would permit the Defendants to raise appropriate objections to its implementation in particular cases. Defendants argue that there is no rational basis for any ratio, that the ratio does not do what it purports to do; namely, insure that employment of apprentices is maximized, and that such a ratio could lead to bumping of journeymen. The JAC has further pointed out that usually employers would be more than happy to put on apprentices, rather than have journeymen do the same work, since there would be a substantial financial saving.

The arguments of all the parties, and the entire record on this issue, have been given very careful consideration and, with great reluctance, it must be concluded there should be no stated ratio. While a substantial argument can be made that although there has been only one instance of a de jure

* This conference was adjourned and never reconvened, and no specific conclusion was reached since the original AAPO was on appeal, thereby freezing the parties' positions.

ratio (a provision in a 1966 collective bargaining agreement calling for approximately one apprentice for every seven journeymen) there has been a long standing de facto ratio of approximately 1:7 -- until recent times. However, control of the ratio rests with the individual employers and not with either the JAC or Local 28. The record is clear that employers are "at liberty to employ and discharge whomever [they] shall see fit" (Standard Form of Union Agreement [Sheet Metal] 1975, Article V, Section 5). Since the Defendants have no ability to order any employer to hire apprentices, any ratio of this kind would be unenforceable.

Even though such a ratio would not be enforceable, an argument can be made that, like the interim goals, the ratio is a good measuring device to see how well the program is working. This argument has great appeal, but if the interim goals are kept in the program an additional device of this kind become superfluous.

It is therefore recommended that apprentice to journeymen ratios be removed from the program.

15. Section 20(c) is recommended. [Renumbered as 20(b) in Administrator's Proposal.]

16. Section 20(d). [Renumbered as 20(c) in Administrator's Proposal.] The EEOC has proposed that apprentices be given the opportunity to solicit their own business in order to insure that no employment opportunities are missed. This proposal has the potential of creating grave problems for

the Administrator since the Administrator must insure, to the greatest degree possible, that the manhours worked by nonwhites is proportionately equal to the manhours worked by the whites. Rather than permitting direct solicitation there should be a formal employment referral system. Under this system a list would be kept of all unemployed apprentices according to the length of time of their unemployed status. Jobs would be assigned off of the list upon an employer request. The following language is suggested to implement this proposal:

(c) The JAC shall establish an employment referral system which shall incorporate the following elements:

(i) A list of all apprentices shall be established in three groupings. Group one shall contain apprentices in terms 1, 2, 3; Group two shall contain apprentices in terms 4, 5, 6; Group three shall contain apprentices in terms 7 and 8.

(ii) A record shall be kept for each apprentice of the number of manhours worked within each group and the JAC shall refer out apprentices in inverse order to the number of manhours worked (so that apprentices with the lowest number of manhours shall receive referrals first).

(iii) To the extent feasible the JAC shall rotate the groupings to insure that

no one grouping, or persons therein, receive a disproportionate amount of work.

(iv) The JAC shall provide counsel for all parties and the Administrator with monthly reports. Such reports shall include but not be limited to: (A) all apprentices by name, ethnic status, term, grouping, number of man-hours worked, and name of contractor(s) that the apprentice is assigned to; and (B) summary of manpower reports showing the number of journeymen and apprentices working for all employers.

The JAC shall provide all parties and the Administrator with a proposed referral system incorporating the above elements, on or before April 1, 1977.

17. New Section 20(d). A new subsection is recommended by the Administrator with the intention that the JAC be obligated to take all possible affirmative action to insure that adequate employment and/or training opportunities be available to apprentices. The Administrator, while recognizing that employers determine the number of apprentices who will work, nonetheless believes that there are some affirmative steps which the JAC can take in this regard. This new provision imposes two basic obligations:

First, whenever an employer receives a government contract, such contract must be monitored for compliance

with City, State and Federal laws, and the JAC must report any possible violations to counsel for the parties and the Administrator. Through this system the parties will be able to insure that employers meet their affirmative action obligations, under appropriate law, thereby maximizing non white employment opportunities.

Second, the JAC must seek out and apply for any appropriate governmental manpower training funds. Currently, the Federal Department of Labor utilizes funds under the Comprehensive Employment Training Act (additional funds may soon be available under pending public works and other manpower legislation) to provide on the job training (OJT) opportunities in the construction trades for the disadvantaged. There is no reason why funds of this nature should not vigorously be sought to help insure that those apprentices who have been indentured have their training opportunities maximized.

The following language is proposed to implement this recommendation:

(d) The JAC shall take all reasonable steps, in addition to those set forth in subsections (a) through (c) of this section, to insure that apprentices receive adequate employment and/or training opportunities. Such steps shall include but not be limited to the following:

(i) Advising counsel for all parties and the Administrator whenever an employer receives a contract from the City, State,

or Federal Government.

(ii) Advising such employers of their obligations under City Executive Order 71, New York State Labor Law 220e (and any State Executive Order), and Federal Executive Order 11246.

(iii) Reporting to counsel for all parties and the Administrator the names of any sheet metal employer which, based upon man-hour computations, appears to be out of compliance with the appropriate statute, executive order, and/or rule and regulation.

(iv) Taking all necessary steps to seek out and apply for governmental manpower training funds. The JAC shall advise counsel for all parties and the Administrator what actions it is taking in this regard and shall provide a copy of any funding proposal to the Administrator prior to its submission to the funding agency.

In making this proposal the Administrator can anticipate that the Defendants will object to subdivisions (i) - (iii) on, at least, the following grounds: (A) the record keeping would be costly and unduly burdensome, (B) the JAC is not in the business of monitoring employers for government agencies, (C) the JAC has no way of knowing when an employer is awarded a government contract, and (D) the contention that monitoring employers will lead to increased employment opportunities is

nothing more than speculation.

In the broadest sense the answer to these objections is that the Court has ordered the Defendants to take affirmative action to increase non white membership opportunities in Local 28. Since the ability to attract and retain non white applicants appears to have a direct correlation to employment opportunities, it follows that Defendants must take affirmative action to increase such opportunities. Whether or not the end result of this proposal will be increased job opportunities is, indeed, uncertain. However, to date, very little affirmative action has taken place and it is time that some positive forward steps be attempted. With regard to the specific points:

(A) There is no question that the required monitoring would add an additional burden to the JAC and would increase costs. However, in light of the other record keeping requirements imposed by the AAPO it is highly unlikely that this addition will create an undue burden or prohibitive costs.

(B) The purpose of this proposal is not to have the JAC serve as a monitoring agency for the City, State, and Federal governments, but rather to afford all parties and the Administrator with a clear picture of what opportunities actually exist for non white employment.

(C) The Administrator has had sufficient contact with Local 28, the JAC, and the Employer's Association to know that between the three defendants they have a pretty good idea of who has been awarded what contracts, and whether such award means additional jobs (See e.g. Tr. pp. 53-56). While

there may be a circumstance in which a government contract award goes unnoticed, it is the Administrator's belief that such occurrences would, absent some sudden muteness by employers, be rare.

(D) Since a program of this nature has never been tried before it is somewhat speculative as to whether or not non white employment opportunities will increase. However, there is a reasonable possibility that some additional jobs for non whites will appear if employers know that their conduct, on government jobs at least, will be very carefully scrutinized.

If, after a reasonable period of trial, this provision proves unworkable or of insufficient value to offset the additional costs the JAC can certainly apply, pursuant to Sections 41 and/or 45 of the Revised Program to modify or discard this provision.

As proposed, this new section is recommended.

18. Sections 21, 22, 23, and 24 are recommended.

19. Section 25(a). The parties and the Administrator agree that the test given should be a mechanical comprehension test and/or spatial relations test.

The JAC proposes that the next aptitude test be given in December 1977 as opposed to May as suggested by the EEOC. The JAC contends that the cost of the test as against the low numbers to be indentured warrants such deferral. The JAC further proposes that the July 1977 class be chosen off of the MAT 8 and MAT 9 tests administered in December 1975.

The parties had previously agreed that the MAT 8 and/or MAT 9 would be used for the selection of the February 1977 class.

There is no question that the cost factors of giving a new test are high, and since there is no major objection by the EEOC to using the MAT 8 and/or MAT 9 for the July selection, it is recommended that the next JAC test should be given in December 1977.

It is further recommended that Section 25(a) be amended to permit the Administrator to decrease the frequency of the tests if conditions warrant, so that this provision conforms to section 5.

20. Section 25(b) is recommended.

21. Section 25(c). "May 1977" should read "December 1977" and it is recommended that "March 1, 1977" be changed to "May 1, 1977." As modified it is recommended.

22. Section 26 is recommended.

23. Section 27. This section should be amended to reflect that the mechanical comprehension test and/or spatial relations test is the basis of ranking. As amended, it is recommended.

24. Sections 28, 29, 30 and 31 are recommended.

25. Section 32. The date of "March 31, 1977" should read "60 days prior to the test date" and as modified is recommended.

26. Sections 33, 34, 35, 36, 37, 38, and 39 are recommended.

27. Section 40. The date of "February 1, 1977" should be amended to read "April 1, 1977," and as modified is recommended.

28. Sections 41 through 45 are recommended.

The use of affirmative action as a remedy to correct the effects of historic discrimination has come under strenuous attack recently for creating "preferences" or "reverse discrimination." The Circuit Court, in this case, recognized that there is tension between the needs of effective enforcement and the avoidance of reverse discrimination. In an attempt to resolve this tension the Circuit Court applied strict criteria when a remedy might result in a preference to non whites, but the Court clearly did not strike down the district court's ability to fashion equitable relief in the form of affirmative action.

In arguing against both the original AAPO and the Revised AAPO it is patently obvious that Defendants do not want to have their conduct subject to ongoing scrutiny. Local 28 argues that it has only one real obligation, to reach a 29% goal by 1981. The long litigation history of Local 28, dating back to 1964, which resulted in a non white population of only 3.19% in July 1974 and approximately 5.77% in December 1976 leads to the conclusion that vigorous efforts must be made to insure that non whites are afforded the same type of union membership and employment opportunities

afforded to whites in the sheet metal trade. To the extent practical, and within the guidelines laid down by the Circuit Court, the Revised AAPO removes the spectre of "reverse discrimination" and relies upon alternative entry methods (apprenticeship, transfer, valid test, and four year experience program) and publicity to expand the non white applicant pool.

The Defendants herein have let no opportunity go by to challenge the Court's Orders as burdensome and costly. Such arguments may serve to shape available remedies, but they do not serve to relieve Defendants of their liability for their wrongful conduct. The Revised AAPO sets forth a flexible, realistic program which meets the purposes of the Court's Order and Judgment, as well as the guidelines of the Circuit Court. It is therefore respectfully recommended that the Court order the Revised Affirmative Action Program as proposed by the EEOC and modified by the Administrator.

Dated: New York, New York
December 30, 1976

DAVID RAFF, ESQ.
ADMINISTRATOR

Revised Affirmative Action Program and Order
recommended by the Administrator

1800

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
:
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, and THE CITY OF NEW YORK, :

Plaintiffs, :

- against - :

LOCAL 638. . . :
LOCAL 28 OF THE SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION, LOCAL 28 :
JOINT APPRENTICESHIP COMMITTEE. . . :
SHEET METAL AND AIR-CONDITIONING
CONTRACTORS' ASSOCIATION OF NEW YORK :
CITY, INC., etc., :

Defendants. :

-----x
:
LOCAL 28, :

Third-Party Plaintiff, :

- against - :

NEW YORK STATE DIVISION OF HUMAN RIGHTS, :

Third-Party Defendant. :

-----x
:
LOCAL 28 JOINT APPRENTICESHIP COMMITTEE, :

Fourth-Party Plaintiff, :

- against - :

NEW YORK STATE DIVISION OF HUMAN RIGHTS, :

Fourth-Party Defendant. :
-----x

71 Civ. 2877 (HPW)

REVISED AFFIRMATIVE
ACTION PRO-
GRAM AND ORDER

REVISED AFFIRMATIVE ACTION PROGRAM

Introduction

1. Upon the motion of the plaintiffs and the State Division of Human Rights (the "State Division") this Revised Affirmative Action Program ("Revised Program") is adopted after reconsideration and review of the remedial provisions of the Decision and Order dated July 18, 1975, the Order and Judgment dated August 28, 1975 and entered on September 2, 1975 ("Order and Judgment"), the Affirmative

Action Program entered November 25, 1975, and the Court of Appeals decision dated March 6, 1976 in light of the present changed working and employment conditions in the sheetmetal industry in New York City, including the present severe and widespread unemployment in the industry. The goal of this Revised Program is to assure that in light of these changed circumstances and conditions the non-white* membership in Local Union No. 28 of the Sheet Metal Workers' International Association ("Local 28") reaches a minimum level of 29% by July 1, 1982; to assure that substantial and regular progress is made toward this goal in each year prior to 1982; and to assure that all members and apprentices of Local 28 share equitably in all available employment opportunities in the industry.

2. For the purpose of reaching the above goal of 29% by July 1, 1982 this Revised Program establishes the following interim percentage goals for the nonwhite membership of Local 28:

July 1, 1977	8%
July 1, 1978	11%
July 1, 1979	15%
July 1, 1980	19%
July 1, 1981	24%

Each of the above percentages shall be measured against the total membership of Local 28 as of each interim goal date, respectively, and the final goal date. For the purpose of measurement, total membership shall include (a) all journeyman members, (b) all pensioners** who, while on pensioner

* "Non-white" as used in the Revised Program means black and Spanish surnamed individuals.

** "Pensioner" as used in the Revised Program means any individual who receives benefits from the Local 28 pension program.

status, have been employed as sheetmetal workers within the three years prior to the goal-date which is being measured, (c) all members or participants in the Local 28 Apprentice Program ("Apprentice Program"), and (d) all individuals who (i) have been offered admission to and membership in Local 28 but have exercised their option, pursuant to Section 16 of the Revised Program or pursuant to a parallel policy adopted by Local 28, to defer such admission and membership and (ii) at the time of measurement have continued to exercise the aforesaid deferment option. The parties to this action and the Administrator are to implement this Revised Program so that the final goal shall be attained. At least once every six months, the Administrator shall review the progress toward the attainment of these interim goals and shall take any such action as he is empowered to take under the Order and Judgment and which is necessary to assure their achievement. In addition, upon his own motion or that of any party, the Administrator is authorized and directed to periodically review the working and employment conditions in the sheetmetal industry in New York City to determine whether it is feasible and practical to increase the interim goals or reduce the time period within which any interim goal or the final goal shall be met by Local 28 and the JAC. It is the express purpose and intent of this Revised Program to attain the goal of 29% non-white membership in Local 28 and the Apprentice Program at the earliest practicable time.

3. Admission to Journeyman membership in Local 28 shall be attained only through the following procedures:

- a) Successful completion of a 'hands-on' journeyman test administered pursuant to Sections 5 through 11;

- b) establishment of proof of the required experience in the sheetmetal trade pursuant to Section 12; or
- c) successful completion of the Local 28 Apprentices Program; or
- d) transfer in accordance with the Sheet Metal Workers' International Union Constitution and Ritual; or
- e) organization of non-union shops.

4. Membership in the Apprentices Program shall be obtained only through the following procedures:

- a) successful completion of an apprentices aptitude test, as set forth in Sections 18 through 28; or
- b) entry with advanced standing as set forth in Sections 29 through 32.

Admission to Journeyman Status

5. Local 28 shall administer a validated, non-discriminatory, 'hands-on' journeyman's test under the overall supervision and approval of the Administrator no later than March 1, 1978 and at least once a year thereafter at a date, time and place to be set by the Administrator. The Administrator, after consultation with the parties, may apply to the Court to decrease the frequency of the tests consistent with the requirements of the interim goals set forth in Section 2.

6. The 'hands-on' journeyman's tests administered pursuant to Section 5 shall be professionally developed and validated in accordance with EEOC Guidelines. With respect to the test to be administered by March 1, 1978 as required in Section 5, Local 28 shall furnish counsel for the parties and the Administrator with (i) a copy of a report demonstrating the validity of the test and (ii) a copy of the test to be

administered at a date set by the Administrator, provided that counsel for the parties and the Administrator shall not distribute or disclose the contents of the test to any individual or organization except for the purpose of professional validation thereof. With respect to all subsequent tests administered pursuant to Section 5, Local 28 shall provide the Administrator and counsel for the parties with the information and material described in subdivisions (i) and (ii) herein at least four weeks prior to the scheduled date of each test.

7. All qualified applicants shall be eligible to take the 'hands-on' journeyman's test specified in this Revised Program. A qualified applicant is defined as follows: any person who

- a) has or will have attained the age of 18 by the date of the test, and
- b) is a citizen or lawful permanent resident alien legally entitled to work in the United States, and
- c) has resided in New York City or the counties of Westchester (N.Y.), Nassau (N.Y.), Suffolk (N.Y.), Passaic (N.J.), or Essex (N.J.) for six (6) months prior to the filing of an application, and
- d) has one year of sheet metal work experience including but not limited to employment as a member in any branch of Local 400 of the Sheet Metal Workers International Association, sheet metal experience in the Armed Forces, or vocational education or training related to the skills of a journeyman sheet metal worker.

Persons presently registered or recently registered in the Local 28 Apprentice Program or any other recognized apprentice program affiliated with the Sheet Metal Workers' International Association are not eligible.

8. Subject to the approval of the Administrator, Local 28 shall develop a standardized application form for the 'hands-on' journeyman's test. Such form shall include only the following:

- a) provisions for the name, address, telephone number, social security number, citizenship or lawful resident alien status, residency, record of convictions, age, sex and race or ethnic identification of the applicant (with a notation that information regarding race or ethnic identification is required solely for the purpose of compliance with the court order herein and the regulations of the United States Equal Employment Opportunity Commission), and previous sheet metal experience.
- b) information regarding the eligibility requirements, fee, date, time, location, and nature of the 'hands-on' journeyman's test.

9. Local 28 shall make available an application form for the 'hands-on' journeyman's test and a short description of the nature of the test in the following manner:

- a) at the office of Local 28;
- b) by mail in response to inquiries and requests made by mail;
- c) in bulk to plaintiffs, the City Department of Employment, the New York State Employment Service,

Recruitment and Training Program, Inc., Fight Back, and the other governmental or community agencies listed in Appendix A as amended from time to time.

Completed applications for the test shall be accepted by mail or delivery in person at the offices of Local 28. Local 28 may establish, with the approval of the Administrator, a suitable cut-off date for the acceptance of applications. Local 28 may establish a fee for the taking of the 'hands-on' journeyman's test consistent with the cost of administering such a test. Such fee shall be, provisionally, \$25.00. Local 28 may apply to the Administrator for an increase in this fee upon good cause shown. Applicants shall be informed, in writing, as to the place of examination with instructions as to how to reach the place and/or a map indicating its location.

10. The 'hands-on' journeyman's test shall be graded by a Board of Examiners consisting of three members knowledgeable in sheet metal. Said Board shall be comprised of a representative chosen by Local 28, a representative chosen by the Administrator, and a representative chosen by the plaintiffs and the State Division. Said Board shall act by majority vote and shall employ the passing grade level developed pursuant to the validation procedures set for in Section 6. All applicants shall be advised of their status by first class mail within 30 days of the test. Applicants who fail the test shall be advised of their possible eligibility for advanced standing in the apprenticeship program pursuant to Sections 29 through 32 of the Revised Program or pursuant to a parallel policy adopted by Local 28 and/or the Local 28 Joint Apprentice Committee ("JAC").

11. (a) All qualified applicants who pass the test and are physically fit to perform sheet metal work shall

be admitted to journeyman status in Local 28 within 60 days of the test unless the applicant elects to defer admission pursuant to Section 16, or pursuant to a parallel policy adopted by Local 28.

(b) To the best of their ability the parties and the Administrator shall endeavor to set forth on the application form the most accurate estimate of the employment opportunities available in the industry.

12. Commencing February 1, 1977 there shall be established a program for admission to Local 28 journeyman membership of persons who have had four years experience, obtained in the United States or elsewhere, in sheet metal work or employment reasonably related or similar to sheet metal work, including experience in the Armed Forces, or vocational training related to the skills of a sheet metal worker. Persons eligible for admission under this program must,

- a) be a resident of New York City, or the counties of Nassau (N.Y.), Suffolk (N.Y.), Westchester (N.Y.), Bergen (N.J.), Passaic (N.J.), Essex (N.J.), Union (N.J.), or Hudson (N.J.) for six (6) months prior to application; and
- b) be age of 18 or over; and
- c) be physically fit to perform sheet metal work; and
- d) establish to the satisfaction of a majority of a board of three members knowledgeable in sheet metal work, comprised of a representative chosen by Local 28, a representative chosen by the Administrator, and a representative chosen by the plaintiffs and the

State Division that the applicant has the requisite sheet metal experience; and

- c) be a citizen or lawful permanent resident alien legally entitled to work in the United States.

The Administrator, after due consultation with all the parties, shall establish procedures for application to this program, for investigation and verification of the criteria set forth in subsections (a) through (e), and for the timing and conditions of admission. Appropriate publicity for the program shall be undertaken at the direction and with the approval of the Administrator.

13. a) Upon proper application, a non-white eligible for admission to journeyman membership in Local 28 pursuant to Sections 5 through 12 or Section 31 (e) of this Revised Program may request of Local 28's Executive Board that the Local 28 initiation fee be reduced pursuant to the provisions of Paragraph 22(d) of the Order and Judgment. Within 5 days of receipt of such application, the Local 28 Executive Board shall render a decision on the application in writing and notify the applicant, the Administrator, and the parties of the disposition of the application (the notification to the Administrator and the parties shall include the name and address of the applicant). If such application is denied in whole or in part, or is not acted upon within five days of its receipt by the Executive Board of Local 28, an application may be made to the Administrator who shall either grant or deny the request in writing after duly considering all the factors set forth in Paragraph 22(d) of the Order and Judgment. In considering such an application the Administrator may require the submission of such information, documents, or other data from either Local 28 or the applicant as he deems necessary.

b) Upon proper application a non-white eligible for admission to journeyman membership in Local 28 pursuant to Sections 5 through 12 or Section 31(e) may request of the Local 28 Executive Board that payment of the Local 28 initiation fee commence with employment and be payable on a pro rated basis, each payment not exceeding 10% of the net pay check, and payable only during periods of employment until the fee is paid. Within 5 days of the receipt of such application the Local 28 Executive Board shall render a decision on the application in writing and notify the applicant, the Administrator, and all parties of the disposition of the application (the notification to the Administrator and the parties shall include the applicant's name and address). If such application is denied in whole or in part or not acted upon within 5 days of its receipt by the Executive Board of Local 28, an application may be made to the Administrator who shall either grant or deny the application in writing. The decisions of the Executive Board of Local 28 and the Administrator shall be made having duly considered the financial circumstances of the applicant.

14. a) At any time after an application pursuant to Section 13 has been pending with the Administrator for more than 5 days a non-white eligible for admission to journeyman membership in Local 28 pursuant to Sections 5 through 12 or Section 31(e) of this Revised Program shall be admitted conditionally to journeyman membership upon payment of \$56 dollars and one month's dues pending the determination of the Administrator which shall be made within 30 days of the date of the application to the Administrator. During such conditional membership an applicant will be entitled to all the rights and privileges of regular journeyman membership.

b) If a conditional member is terminated without becoming a regular journeyman member of Local 28 he

shall be entitled to a return of any dues paid in advance for any month in which he was not employed and, if he was not employed during his conditional membership, he shall also be entitled to a return of any payment made toward the initiation fee.

15. The granting of any application pursuant to Section 13 shall not diminish any rights or privileges accruing to journeyman membership in Local 28.

16. A person eligible for admission pursuant to Sections 5 through 11 shall be permitted to defer such admission for up to twelve months from the time he is first entitled to be admitted. During such period, a person who has elected to defer may apply to the Administrator for further deferral of admission, and upon a showing of good cause, the Administrator may continue such deferment for such time as the Administrator shall determine. If an applicant invokes his right of deferral he shall be admitted, on the same terms and conditions as he was previously entitled, within 15 days of written notice to Local 28 that he seeks to be admitted, however, upon good cause shown by the applicant, the Administrator may direct Local 28 to admit the applicant in less than 15 days.

17. Local 28 shall issue "permits" or "identification slips" only with the express written consent of the Administrator, and pursuant to Paragraph 22(f) of the Order and Judgment.

Apprentice Program

18. The JAC shall maintain an Apprentice Program of four years duration or less. The terms and conditions of the apprentice program shall be as set forth in the Collective Bargaining Agreement ("Standard Form of Union Agreement . . . between Local 28 . . . and Sheet Metal Contractors"), the Local 28 Joint Apprenticeship Trust and Indenture, and

the rules and regulations thereunder except as modified by the Order and Judgment, the provisions of this Revised Program, or order of the Administrator pursuant to his powers under the Order and Judgment and this Revised Program.

19. a) The JAC shall indenture no less than 36 apprentices by February 1977 and another class of apprentices (in a number to be determined as set forth in subsection (b) below) by July 1977. The JAC shall indenture two classes of apprentices each year up to and including July 1982; the classes shall be indentured in February and July of each year.

b) Upon consideration of the goals of this Revised Program, and the availability of employment opportunities in the industry, the JAC shall forward its recommendation of the number of apprentices to be indentured in each class, no later than 90 days before each class is indentured, to counsel for the parties and the Administrator. Such recommendation shall be accompanied by a report setting forth the basis for the recommendation. Any objections to the recommendation shall be filed with the Administrator no later than 15 days after receipt of the JAC's recommendation and report. The Administrator shall review the recommendations and objections, if any, to determine if the action taken by the JAC is in accord with the goals and objectives of the Revised Program. Upon a finding the the JAC's recommendation does not meet the goals and objectives of the Revised Program the Administrator shall render his determination as to the appropriate number of apprentices to be indentured. The Administrator shall render his determination within 20 days after the date for filing objections.

c) The numbers of apprentices to be indentured shall include those apprentices admitted with advanced standing.

20. a) Seniority among apprentices shall not be a criterion for employment, and apprentices may be rotated for employment where necessary and feasible pursuant to subsection (c) of this section.

b) The JAC shall make every effort to provide apprentices with classroom instruction, including evenings and Saturdays where necessary, during periods of unemployment, and shall credit such hours toward fulfillment of apprenticeship requirements. The JAC may authorize the accelerated advancement or graduation of any apprentice as it deems proper.

c) The JAC shall establish an employment referral system which shall incorporate the following elements:

(i) A list of all apprentices shall be established in three groupings. Group one shall contain apprentices in terms 1, 2, 3; Group two shall contain apprentices in terms 4, 5, 6; Group three shall contain apprentices in terms 7 and 8.

(ii) A record shall be kept for each apprentice of the number of manhours worked within each group and the JAC shall refer out apprentices in inverse order to the number of manhours worked (so that apprentices with the lowest number of manhours shall receive referrals first).

(iii) To the extent feasible the JAC shall rotate the groupings to insure that no one grouping, or persons therein, receive a disproportionate amount of work.

(iv) The JAC shall provide counsel for the parties and the Administrator with monthly reports. Such reports shall include but not be limited to: A) all apprentices by name, ethnic status, term, grouping, number of manhours worked, and name of contractor(s) that the apprentice is assigned to; and B) summary of manpower reports showing the number of journeymen and apprentices working for all employees.

The JAC shall provide counsel for all parties and the Administrator with a proposed referral system incorporating the above elements, on or before April 1, 1977.

d) The JAC shall take all reasonable steps, in addition to those set forth in subsections (a) through (c) of this section, to insure that apprentices receive adequate employment and/or training opportunities. Such steps shall include but not be limited to the following:

(i) Advising counsel for all parties and the Administrator whenever an employer receives a contract from the City, State, or Federal Government.

(ii) Advising such employers of their obligations under City Executive Order 71, New York State Labor Law 220e (and any State Executive Order), and Federal Executive Order 11246.

(iii) Reporting to counsel for all parties and the Administrator the names of any sheet metal employers which, based upon manpower computations, appears to be out of compliance with the appropriate statute, executive order, and/or rule and regulation.

(iv) Taking all necessary steps to seek out and apply for governmental manpower training funds. The JAC shall advise counsel for all parties and the Administrator what actions it is taking in this regard and shall provide a copy of any funding proposal to the Administrator prior to its submission to the funding agency.

21. Upon successful completion of the Apprentice Program, apprentices shall be promptly admitted to full journeyman membership upon payment of the balance due of the initiation fee, if any, which upon application to the Local 28 Executive Board may be paid on an installment basis for good cause shown, and subject to the procedures contained in Section 13.

22. Applications for the Apprentice Program shall be made available to and accepted from any qualified candidate. A qualified candidate is defined as follows: any person who is deemed physically fit for sheet metal work and who has or will have attained the age of 18 years by the date of indenture of the next scheduled apprentice class and who is not older than 25 years of age (for veterans of active military duty the age limit is extended one year for each year of such duty up to the age of 30) and for non-whites not over the age of 35 applying for advanced standing, and who is a citizen or permanent resident alien.

23. With the approval of the Administrator, the JAC shall develop a standardized application form for the Apprentice Program. The application form shall include information about the date of the next class of apprentices to be indentured, and shall require only the following information of the applicant:

- a) Name, address and telephone number;
- b) Birth date and age;
- c) Social Security number;
- d) Extent of education;
- e) Sex;
- f) Race or ethnic classification (with a notation that this information is required solely for the purposes of compliance with federal anti-discrimination statutes);
- g) Military service;
- h) Convictions and pending criminal charges;
- i) Citizenship or lawful permanent resident alien status.

24. Application forms for the Apprentice Program shall be available at the offices of the JAC during normal business hours and at the offices of the organizations listed

in Appendix A at least 60 days before an examination. Application forms shall be made available by mail upon written request. Completed applications shall be accepted in person or by mail at the offices of the JAC. There shall be a filing fee of no more than \$15.00. Application forms shall be made freely available to any governmental employment office and minority community organizations not listed in Appendix A upon request. The time for filing applications for a particular apprenticeship test may be closed by the JAC at a reasonable time (not to exceed three weeks) before the date of the examination.

25. a) An apprentice aptitude test shall be given in December, 1977 and at least once yearly thereafter at a date, time and location approved by the Administrator. The test shall consist of the following: (i) a mechanical comprehension test, which has been validated under EEOC Guidelines, similar in substance and scope to the mechanical comprehension test administered by JAC in April 1969, and/or (ii) a spatial relations test, which has been validated under EEOC Guidelines, similar in substance and scope to the spatial relations test given in December 1975. The Administrator, after consultation with the parties, may apply to the Court to decrease the frequency of the tests consistent with the requirements of the interim goals set forth in Section 2.

b) The JAC may apply to the Administrator to give a basic "read and follow directions" test which has been validated under EEOC Guidelines and is designed to ascertain an applicant's ability to master and understand those written and verbal instructions, directions, and other communications necessary to participate in the Apprenticeship Program at the first year level; upon good cause shown, the Administrator shall authorize the administration of such a test as part of the apprentice aptitude test. There shall be professionally developed and validated a qualifying score on

the "read and follow directions" test designed to reflect the minimum ability necessary to participate in the Apprenticeship Program at the first year level. The JAC may also apply to the Administrator to give a math test as part of the apprenticeship aptitude test, and such test may be given upon good cause shown. Such math test shall be professionally developed and validated (pursuant to EEOC Guidelines) as to content and qualifying score in such manner as to reflect the minimum ability necessary to participate in the Apprenticeship Program at the first year level.

(c) With respect to the apprenticeship aptitude test which is to be administered in December 1977, on or before May 1, 1977, the JAC shall furnish counsel for the parties and the Administrator with (i) a copy of a report demonstrating the validity of the test and (ii) a copy of the test to be administered, provided that counsel for the parties and the Administrator shall not distribute or disclose the contents of the test to any individual or organization except for the purpose of validation thereof. With respect to all subsequent tests administered pursuant to this section, the JAC shall provide the Administrator and counsel for the parties with the information and material requested in subsections (i) and (ii) herein at least four weeks prior to the scheduled date of each test.

26. Within three weeks of the administration of an apprenticeship aptitude test, JAC shall provide the Administrator and all parties with:

- a) the names, race and ethnic identification, raw scores and rank of all candidates on all tests; and
- b) the mean and median scores on all tests of all identifiable racial and ethnic groups among the candidates.

27. In fulfillment of JAC's and Local 28's obligations under Section 19, apprentices chosen by means of the apprentice aptitude test shall be selected on the basis of the ranking of scores (highest first) received on the mechanical comprehension test and/or the spatial relations test among all eligible candidates.* If a "read and follow directions" test and/or a math test is administered pursuant to Section 25, then ranking and selection based upon scores on the mechanical comprehension test and/or the spatial relations test shall be from among those applicants who meet or exceed the qualifying score on the "read and follow directions" test and/or the math test.

28. Persons selected for the Apprentice Program may be required to appear for orientation and a physical examination prior to being indentured. The cost of physical examinations are to be borne one half by successful applicants and one half by the JAC. Additional persons may be invited to orientation and a physical examination by Local 28 JAC if that appears desirable. Persons selected in accordance with the above procedures shall be indentured as apprentices unless such indenturing is waived by them, or they are certified physically unable to perform sheet metal work by a medical practitioner licensed in New York State.

Advanced Apprentices

29. There shall be established by the JAC procedures for the admission and advanced placement in the Apprentice Program of non-white apprentices who have experience in sheet metal work or trade education but cannot perform at

* Apprentices chosen for the July 1977 class shall be selected on the basis of ranking of scores received on the spatial relations test MAT 8 and MAT 9 given December 1975.

journeyman level. Applicants for advanced placement shall have at least six months experience in sheet metal work or trade education, be physically fit and shall be not less than 18 years old or more than 35 years old by the date of indenture of the next scheduled apprentice class.

30. The Training Coordinator of JAC (the "Coordinator") shall evaluate the experience of all applicants for advanced standing and shall make placement of the appropriate grade level. The grade level assigned shall be conditional for a period to be determined by the Coordinator, not exceeding three months, based upon classroom work and on the job performance. Applicants who challenge the grade level assigned shall be advised of their right to appeal to the Administrator.

31. a) The Administrator shall determine the number of advanced apprentices to be admitted from the list resulting from each test, based upon the needs of the Apprenticeship Program at any given time and the number of applicants eligible for advanced standing as certified by the Coordinator.

b) Apprentices who meet the requirements of Section 29 shall be selected for advanced standing in the following manner:

(i) Those whose ranking on the apprentice aptitude examination qualifies them for acceptance into the Apprenticeship Program pursuant to Section 19 shall be selected in accordance with their ranking and admitted with advanced standing, subject to the number determined by the Administrator pursuant to subdivision (a) of this Section.

(ii) If there are insufficient apprentices who qualify for advanced standing selected by the procedure contained in subdivision (b)(i) of this section to satisfy the number determined by the Administrator, additional apprentices to reach this number shall be selected in ranked order, from those who are over 25 years of age and

whose score on the apprentice aptitude examination places them below the number otherwise selected pursuant to Section 19.

c) The number of apprentices admitted with advanced standing under subdivision (b)(i) of this section shall be included in the number of apprentices selected pursuant to Section 19. The number of apprentices admitted with advanced standing under subdivision (b)(ii) of this section shall not be included in the number of apprentices selected pursuant to Section 19.

d) An advanced apprentice shall be entitled to all rights, privileges and other benefits including work referral, pay, instruction, and supervision accruing to regular apprentices at the same level of training.

e) Apprentices admitted with advanced standing pursuant to Sections 29 through 31 who successfully complete the Apprentice Program may make the applications provided for in Section 13 of this Revised Program.

f) Advanced apprentices assigned for work may be utilized to satisfy City and City-assisted contract requirements for the employment of minority trainees.

32. The Coordinator shall develop a pre-examination study group program so as to familiarize all applicants for the Apprentice Program with the type of test that they will be given. All applicants shall be notified in writing at least two weeks in advance of the apprentice aptitude test that the study program is available to them. Such notice shall contain the date, time, and location of the study group meetings. The meetings shall be held in the evening after 6:30 P.M. At such time as shall be determined by the Administrator but in no event later than 60 days prior to the test date, the Coordinator shall submit a detailed program including but not limited to teaching methodology, program materials, and the organization of the groups.

Records

33. In addition to any other records or lists required to be maintained under the terms of this Revised Program or the Order and Judgment, Local 28 and JAC, as the case may be, shall maintain separately for whites and non-whites, records and lists containing the following information, beginning with the effective date of the Affirmative Action Program entered on November 25, 1975.

- a) Persons who request an application for or apply to take the 'hands-on' journeyman's test described in Section 5;
- b) Persons who take the 'hand-on' journeyman's test described in Section 5;
- c) Persons who pass the 'hands-on' journeyman's test described in Section 5;
- d) Persons who apply for journeyman admission on the basis of experience, described in Section 12;
- e) Persons who are admitted, and those rejected, for journeyman membership on the basis of experience, described in Section 12;
- f) Persons who seek or apply to transfer into Local 28 from an affiliated sister local union;
- g) Persons who inquire of Local 28 about the possibility of transferring into Local 28 from an affiliated sister local union;
- h) Persons who inquire of Local 28 as to the availability of work opportunities with or through Local 28, including but not limited to inquiry about or seeking

- "permits" or "identification slips";
- i) Persons to whom "permits" or "identification slips" are issued or work opportunities with or through Local 28 are otherwise made available;
 - j) Persons who contact Local 28 or JAC seeking sheet metal work;
 - k) Persons who are employed as sheet metal workers or apprentices by Local 28 contractors;
 - l) Persons working in sheet metal shops at the time they are organized by Local 28;
 - m) Persons who are reinstated to journeyman membership or membership in the Apprentice Program;
 - n) Non-whites who apply for advanced standing in the apprenticeship program described in Sections 29-32;
 - o) Non-whites who are granted advanced standing in the apprenticeship program and the standing granted as described in Sections 29-32;

The records and lists specified in subsection (a) through (o) of this Section shall contain the name, address, race, or national origin, union affiliation, if any, of each individual listed therein, as well as the date of the application, test, inquiry, contact, or employment (and the name of the contractor, where applicable), and the disposition with reasons, of each such application, test, inquiry, contact or employment. Copies of these records and lists shall be submitted to counsel for the parties and the Administrator at least once every three months.

Said records and lists may exclude telephonic requests for information. However, individuals requesting information by telephone shall be informed that their requests should be made in writing, and a form for this purpose shall be sent to such individual.

34. Local 28 or JAC, as the case may be, shall submit the following data to the Administrator and the parties at the time specified:

- a) the name and ethnic identity of persons admitted into (i) journeyman status in Local 28 or (ii) apprentice status in the Apprentice Program, within 5 days of such admission;
- b) on January 1 and July 1 of each year the total number of (i) journeyman members of Local 28 (as defined in Section 2), and (ii) apprentices. Such reports shall include the percentage of non-whites in each group.

35. The JAC shall maintain complete records of all applications and other material concerned with the selection and work records of apprentices. These records shall include but not be limited to an applicant log for each examination showing the name, ethnicity, date of birth of each applicant, dates of completion of each step in the application procedure, and disposition of each step in the application procedure, and disposition of each application. All such records shall be made available for inspection and copying by the plaintiffs and the State Division at reasonable intervals during normal working hours or at other mutually convenient times. In addition, records shall be submitted to the Administrator and plaintiffs as follows:

a) Prior to each apprentice entrance test and within 7 days of the closing of the application procedure the JAC shall submit a report including the following information for each person who filed or requested an application for that apprentice examination: name, address, telephone number and race or national origin, if known, for those who request applications.

b) Within 20 days after indenturing a class of apprentices the JAC shall provide a report of the names and ethnic classification of all persons who were rejected during the application and testing period and the reason therefore and the names of all persons whose application became inactive and the reason therefore.

c) Every six months subsequent to the indenturing of a class of apprentices the JAC shall furnish a report giving the names of all non-white apprentices, the name(s) of contractors to which each was referred and the number of hours worked. Such report shall be a summary of the reports required to be filed monthly pursuant to Section 20(c).

d) The Joint Apprenticeship Committee shall furnish the names of all non-white apprentices who are dropped from the Apprentice Program. Said information shall be furnished within twenty days from the date action is taken by the Joint Apprenticeship Committee. Said report shall contain the reason why the individual was dropped from the Program and the steps taken by the Joint Apprenticeship Committee to retain the individual in the Program. The report shall also include the training and employment history of the individual while he was in the Program. The Joint Apprenticeship Committee shall furnish the names of all non-white apprentices who leave the Program other than by action of the JAC. Such report shall contain the reason the apprentice has left the Program as ascertained by an exit interview diligently attempted.

Said information shall be furnished within twenty days from the time the JAC is notified that the apprentice has left the Program.

36. All records and lists required to be compiled by this Revised Program shall be maintained for ten years and shall be made available for inspection and copying by the parties and the Administrator on reasonable notice during regular business hours or at any other mutually convenient time without further order of the court.

Advertising and Publicity

37. The parties shall use their best efforts to disseminate accurate information to the non-white community of opportunities within Local 28 and the Apprentice Program.

38. Prior to each 'hands-on' journeyman's test and apprentice aptitude test, at a time to be selected by the Administrator to insure full coverage and effectiveness, Local 28 (in the case of the 'hands-on' journeyman's examination) and JAC (in the case of apprentice aptitude tests) shall undertake a program of advertising and publicity, under the overall supervision of the Administrator, designed to inform the non-white community in New York City of the date, location, and nature of such examinations, the qualifications therefore and the opportunities available upon successful completion of the test. Additionally, the overall apprenticeship recruiting and publicity campaign shall include a component limited toward advanced apprentices. These campaigns may include print and electronic media, dissemination of material to community, government and minority organizations. The City of New York may provide space and opportunities for such publicity.

39. By April 1977, Local 28 and JAC shall provide to the Administrator and the other parties a written plan of an effective general publicity campaign designed to inform

the non-white community in New York City of non-discriminatory opportunities in Local 28 and the Apprentice Program as provided in the Order and Judgment and this Revised Program. The other parties shall have 30 days to comment upon the written plan and the Administrator, having considered all submissions, shall revise the plan if he deems necessary and shall order it into effect by May 1, 1977.

Work Referral

40. The Administrator shall conduct a study of the present Local 28 work referral system as described in the written statement submitted pursuant to Paragraph 21(g) of the Order and Judgment. This study shall be completed by April 1, 1977 and the Administrator shall submit to the parties such recommendations he deems necessary to assure that non-whites do not bear a disproportionate share of unemployment.

Resolution of Disputes

41. a) The Administrator shall hear and determine all complaints concerning the operation of the Order and Judgment and this Revised Program and shall decide any questions of interpretation and claims of violations of the Order and Judgment and the Revised Program, acting either on his own initiative or at the request of any party herein or any interested person. All decisions of the Administrator shall be in writing and shall be appealable to the Court.

b) Any party or any individual affected by this Revised Program may make a complaint to the Administrator within thirty days after the situation complained of arises. The Administrator shall give the parties notice of such a complaint within five days and, where a hearing is in his discretion warranted, expeditiously schedule such hearing.

General Provisions

42. Local 28 and the JAC shall post conspicuous notices, in language and at locations approved by the

Administrator, advising individuals of their rights under this Revised Program within 60 days after the Revised Program is approved by the Court.

43. Nothing contained in the Revised Program should be construed as preventing the Executive Board from adopting portions of the Revised Program for the benefit of whites and other minorities provided that such plans do not interfere with the operation of this Revised Program.

44. Except as modified, changed or amended by the terms of this Revised Program or order of the Administrator, Local 28 and JAC shall not change, modify or amend any aspect of the operation or content of the Apprentice Program, or the conditions or terms upon which an individual shall become a member of the Apprentice Program of Local 28 or entitled to work within the jurisdiction of Local 28.

45. At any time, any of the parties herein may apply to the Administrator and then to the Court for the purpose of seeking additional orders to insure the full and effective implementation of the terms and intent of this Revised Program.

Dated: New York, New York
December 30, 1976

DAVID RAFF, ESQ.
Administrator

SO ORDERED:

U.S.D.J.

Dated:

APPENDIX A

New York State Division of Employment (Department of Labor)
Department of Employment of the City of New York
Bureau of Labor Services of the City of New York
Recruitment and Training Program, Inc.
Fight Back
Asian Americans for Equal Employment
Black Economic Survival
Regional Neighborhood Manpower Services Centers of New York City
New York City Board of Education (Public High School and
Evening Trade Division)
Williamsburg Coalition
New York Urban League
National Association for the Advancement of Colored People
Puerto Rican Community Development Project
National Association for Puerto Rican Civil Rights
Citywide Coalition of Black, Hispanic, and Asians in
Construction
New York Project Equality
Commonwealth of Puerto Rico
Opportunities Industrialization Center of New York, Inc.
Bedford-Stuyvesant Restoration Corp.
New York City Human Rights Commission*
New York State Division of Human Rights*

* Send notices of exams, but no bulk application.

Order dated January 17, 1977

1031

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-x

AMERICAN EMPLOYMENT OPPORTUNITY
COMMISSION, CITY OF NEW

Plaintiffs,

vs.

AMERICAN ALUMINUM METAL
WORKERS INTERNATIONAL
UNION, LOCAL 28 JOINT
TRAINING DEVELOPMENT COMMITTEE ...
HEATING, VENTILATION AND AIR CONDITIONING
MECHANICAL CONTRACTORS ASSOCIATION OF NEW
YORK, INC., et al.,

Defendants.

-x

Third-Party Plaintiff,

vs.

UNITED STATES DEPARTMENT OF HUMAN
RESOURCES

Third-Party Defendant.

-x

AMERICAN JOINT APPRENTICESHIP

Fourth-Party Plaintiff,

vs.

UNITED STATES DEPARTMENT OF HUMAN
RESOURCES

Fourth-Party Defendant.

-x

ORDER

71 Civ. 2477 (H.W.)

APPENDICES: (See last page)

HENRY F. WERKER, D. J.

Examination of the transcript of the hearings before the Administrator as well as the memoranda submitted in regard to the action of the Equal Employment Opportunity Commission ("E.E.O.C.") persuade me that the goal date of 1981 for the reaching of the 29% non-white goal as established under the original Affirmative Action Program and Order has become impracticable under the current depressed state of the sheetmetal industry, and consequently I endorse the extension of the deadline to 1982. I feel that a revision as provided in the Revised Affirmative Action Program and Order ("Revised Program") of the interim goals is in order so that realistic deadlines may be set and kept. Reluctantly, I concur in the finding of the Administrator that an apprentice-journeyman ratio as originally contemplated must be discarded as a method of insuring non-white employment since it is not within the control of the parties to this action to maintain such a ratio. I endorse the four-year experience program and the employment referral system as flexible devices to increase non-white enrollment and employment opportunities. The number of apprentices to be indentured in the February, 1977 class fixed by the order at thirty-six strikes me as a fair and attainable number which takes into account the state of the economy. Requiring the JAC to give advice concerning the receipt by employers of government contracts as well as reporting on apparent non-compliance with local, state and federal requirements is reasonable. The JAC as a matter of course received monthly statistics on the employment of Local 28 members broken down by race, and a brief review of those figures will enable it to fulfill this reporting requirement. This is particularly so in light of the fact that since the JAC is subject to state and federal (although not city) requirements it must be familiar with these requirements anyway. In addition, the Revised Program is consistent

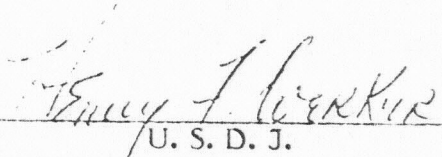
with the Second Circuit's directive in the decision on the appeal of the trial of this action in that any portion of the Revised Program may be applied as well for the benefit of whites and of other minorities. The suggestion of the E.E.O.C. as to the inclusion of a contingent provision for an earlier date for the next "hands-on" journeyman's test in response to the Administrator's report is adopted as it properly considers the possibility that the economic climate in the industry may improve.

Insofar as the Administrator's Report of December 30, 1976 as modified by the Revised Affirmative Action Program and Order signed on this date adopts the position of the E.E.O.C., the motion of the E.E.O.C. to amend the Order and Judgment of August 28, 1975 and the Affirmative Action Program and Order entered November 25, 1975, is hereby granted.

SO ORDERED.

DATED: New York, New York

January 17, 1977



U. S. D. J.

APPEARANCES:

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By: Gerald J. Dunbar
Ellen Kramer Sawyer
Of Counsel

183: Revised Affirmative Action
Program and Order

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, and THE CITY OF NEW YORK, :

Plaintiffs, :

- against - :

LOCAL 638. . . :
LOCAL 28 OF THE SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION, LOCAL 28
JOINT APPRENTICESHIP COMMITTEE. . . :
SHEET METAL AND AIR-CONDITIONING
CONTRACTORS' ASSOCIATION OF NEW YORK
CITY, INC., etc., :

Defendants. :

RECEIVED CLERK'S
OF JUDGE HENRY J. SUTHERLAND

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-----x
LOCAL 28, :

Third-Party Plaintiff, :

- against - :

NEW YORK STATE DIVISION OF HUMAN RIGHTS, :

Third-Party Defendant. :

71 Civ. 2877 (HFW)

REVISED AFFIRMA-
TIVE ACTION PRO-
GRAM AND ORDER

-----x
LOCAL 28 JOINT APPRENTICESHIP COMMITTEE, :

Fourth-Party Plaintiff, :

- against - :

NEW YORK STATE DIVISION OF HUMAN RIGHTS, :

Fourth-Party Defendant. :

-----x
REVISED AFFIRMATIVE ACTION PROGRAM

Introduction

1. Upon the motion of the plaintiffs and the State Division of Human Rights (the "State Division") this Revised Affirmative Action Program ("Revised Program") is adopted after reconsideration and review of the remedial provisions of the Decision and Order dated July 18, 1975, the Order and Judgment dated August 28, 1975 and entered on September 2, 1975 ("Order and Judgment"), the Affirmative

Action Program entered November 23, 1975, and the Court of Appeals decision dated March 6, 1976 in light of the present changed working and employment conditions in the sheetmetal industry in New York City, including the present severe and widespread unemployment in the industry. The goal of this Revised Program is to assure that in light of these changed circumstances and conditions the non-white* membership in Local Union No. 28 of the Sheet Metal Workers' International Association ("Local 28") reaches a minimum level of 29% by July 1, 1982; to assure that substantial and regular progress is made toward this goal in each year prior to 1982; and to assure that all members and apprentices of Local 28 share equitably in all available employment opportunities in the industry.

2. For the purpose of reaching the above goal of 29% by July 1, 1982 this Revised Program establishes the following interim percentage goals for the nonwhite membership of Local 28:

July 1, 1977	8%
July 1, 1978	11%
July 1, 1979	15%
July 1, 1980	19%
July 1, 1981	24%

Each of the above percentages shall be measured against the total membership of Local 28 as of each interim goal date, respectively, and the final goal date. For the purpose of measurement, total membership shall include (a) all journeyman members, (b) all pensioners** who, while on pensioner

* "Non-white" as used in the Revised Program means black and Spanish surnamed individuals.

** "Pensioner" as used in the Revised Program means any individual who receives benefits from the Local 28 pension program.

status, have been employed as sheetmetal workers within the three years prior to the goal-date which is being measured, (c) all members or participants in the Local 28 Apprenticeship Program ("Apprenticeship Program"), and (d) all individuals who (i) have been offered admission to and membership in Local 28 but have exercised their option, pursuant to Section 16 of the Revised Program or pursuant to a parallel policy adopted by Local 28, to defer such admission and membership and (ii) at the time of measurement have continued to exercise the aforesaid deferment option. The parties to this action and the Administrator are to implement this Revised Program so that the final goal shall be attained. At least once every six months, the Administrator shall review the progress toward the attainment of these interim goals and shall take any such action as he is empowered to take under the Order and Judgment and which is necessary to assure their achievement. In addition, upon his own motion or that of any party, the Administrator is authorized and directed to periodically review the working and employment conditions in the sheetmetal industry in New York City to determine whether it is feasible and practical to increase the interim goals or reduce the time period within which any interim goal or the final goal shall be met by Local 28 and the JAC. It is the express purpose and intent of this Revised Program to attain the goal of 29% non-white membership in Local 28 and the Apprenticeship Program at the earliest practicable time.

3. Admission to Journeyman membership in Local 28 shall be attained only through the following procedures:

- a) Successful completion of a 'hands-on' journeyman test administered pursuant to Sections 5 through 11;

the Executive Board of Local 28 and compliance with the relevant provisions of the Sheet Metal Workers' International Union Constitution and Ritual.

- b) establishment of proof of the required experience in the sheetmetal trade pursuant to Section 12; or
 - c) successful completion of the Local 28 Apprentices Program; or
 - d) transfer in accordance with the Sheet Metal Workers' International Union Constitution and Ritual; or
 - e) organization of non-union shops; or
- f) X
4. Membership in the Apprentices Program shall be

obtained only through the following procedures:

- a) successful completion of an apprentices aptitude test, as set forth in Sections 18 through 28; or
- b) entry with advanced standing as set forth in Sections 29 through 32.

Admission to Journeyman Status

5. Local 28 shall administer a validated, non-discriminatory, 'hands-on' journeyman's test under the overall supervision and approval of the Administrator no later than March 1, 1978 and at least once a year thereafter at a date, time and place to be set by the Administrator. The Administrator, after consultation with the parties, may apply to the Court to decrease the frequency of the tests consistent with the requirements of the interim goals set forth in Section 2.

6. The 'hands-on' journeyman's tests administered pursuant to Section 5 shall be professionally developed and validated in accordance with EEOC Guidelines. With respect to the test to be administered by March 1, 1978 as required in Section 5, Local 28 shall furnish counsel for the parties and the Administrator with (i) a copy of a report demonstrating the validity of the test and (ii) a copy of the test to be

(i) to schedule a 'hands-on' journeyman's test for a date certain prior to March 1, 1978, and (ii) to decrease the frequency of the tests to be administered subsequent to March 1, 1978, consistent with the requirements of the interim goals set forth in Section 2.

administered at a date set by the Administrator, provided that counsel for the parties and the Administrator shall not distribute or disclose the contents of the test to any individual or organization except for the purpose of professional validation thereof. With respect to all subsequent tests administered pursuant to Section 5, Local 28 shall provide the Administrator and counsel for the parties with the information and material described in subdivisions (i) and (ii) herein at least four weeks prior to the scheduled date of such test.

7. All qualified applicants shall be eligible to take the 'hands-on' journeyman's test specified in this Revised Program. A qualified applicant is defined as follows: any person who

- a) has or will have attained the age of 18 by the date of the test, and
- b) is a citizen or lawful permanent resident alien legally entitled to work in the United States, and
- c) has resided in New York City or the counties of Westchester (N.Y.), Nassau (N.Y.), Suffolk (N.Y.), Passaic (N.J.), or Essex (N.J.) for six (6) months prior to the filing of an application, and
- d) has one year of sheet metal work experience including but not limited to employment as a member in any branch of Local 400 of the Sheet Metal Workers International Association, sheet metal experience in the Armed Forces, or vocational education or training related to the skills of a journeyman sheet metal worker.

Persons presently registered or recently registered in the local 28 Apprentice Program or any other recognized apprenticeship program affiliated with the Sheet Metal Workers' International Association are not eligible.

8. Subject to the approval of the Administrator, local 28 shall develop a standardized application form for the 'hands-on' journeyman's test. Such form shall include only the following:

- a) provisions for the name, address, telephone number, social security number, citizenship or lawful resident alien status, residency, record of convictions, age, sex and race or ethnic identification of the applicant (with a notation that information regarding race or ethnic identification is required solely for the purpose of compliance with the court order herein and the regulations of the United States Equal Employment Opportunity Commission), and previous sheet metal experience.
- b) information regarding the eligibility requirements, fee, date, time, location, and nature of the 'hands-on' journeyman's test.

9. Local 28 shall make available an application form for the 'hands-on' journeyman's test and a short description of the nature of the test in the following manner:

- a) at the offices of Local 28;
- b) by mail in response to inquiries and requests made by mail;
- c) in bulk to plaintiffs, the City Department of Employment, the New York State Employment Service,

Recruitment and Training Program, Inc.,
Flight Back, and the other governmental or
community agencies listed in Appendix A
as amended from time to time.

Completed applications for the test shall be accepted by mail or delivery in person at the offices of Local 28. Local 28 may establish, with the approval of the Administrator, a suitable cut off date for the acceptance of applications. Local 28 may establish a fee for the taking of the 'hands on' journeyman's test consistent with the cost of administering such a test. Such fee shall be, provisionally, \$25.00. Local 28 may apply to the Administrator for an increase in this fee upon good cause shown. Applicants shall be informed, in writing, as to the place of examination with instructions as to how to reach the place and/or a map indicating its location.

10. The 'hands on' journeyman's test shall be graded by a Board of Examiners consisting of three members knowledgeable in sheet metal. Said Board shall be comprised of a representative chosen by Local 28, a representative chosen by the Administrator, and a representative chosen by the plaintiffs and the State Division. Said Board shall act by majority vote and shall employ the passing grade level developed pursuant to the validation procedures set for in Section 6. All applicants shall be advised of their status by first class mail within 30 days of the test. Applicants who fail the test shall be advised of their possible eligibility for advanced standing in the apprenticeship program pursuant to Sections 29 through 32 of the Revised Program or pursuant to a parallel policy adopted by Local 28 and/or the Local 28 Joint Apprentice Committee ("JAC").

11. (a) All qualified applicants who pass the test and are physically fit to perform sheet metal work shall

be admitted to journeyman status in Local 28 under 36 days of the test unless the applicant elects to defer admission pursuant to Section 16, or pursuant to a parallel policy adopted by Local 28.

(b) To the best of their ability the parties and the Administrator shall endeavor to set forth on the application form the most accurate estimate of the employment opportunities available in the industry.

12. Commencing February 1, 1977 there shall be established a program for admission to Local 28 journeyman membership of persons who have had four years experience, obtained in the United States or elsewhere, in sheet metal work or employment reasonably related or similar to sheet metal work, including experience in the Armed Forces, or vocational training related to the skills of a sheet metal worker. Persons eligible for admission under this program must,

- a) be a resident of New York City, or the counties of Nassau (N.Y.), Suffolk (N.Y.), Westchester (N.Y.), Bergen (N.J.), Passaic (N.J.), Essex (N.J.), Union (N.J.), or Hudson (N.J.) for six (6) months prior to application; and
- b) be age of 18 or over; and
- c) be physically fit to perform sheet metal work; and
- d) establish to the satisfaction of a majority of a board of three members knowledgeable in sheet metal work, comprised of a representative chosen by Local 28, a representative chosen by the Administrator, and a representative chosen by the plaintiffs and the

State Division that the applicant has the requisite sheet metal experience; and

- e) be a citizen or lawful permanent resident alien legally entitled to work in the United States.

The Administrator, after due consultation with all the parties, shall establish procedures for application to this program, for investigation and verification of the criteria set forth in subsections (a) through (e), and for the timing and conditions of admission. Appropriate publicity for the program shall be undertaken at the direction and with the approval of the Administrator.

13. a) Upon proper application, a non-white eligible for admission to journeyman membership in Local 28 pursuant to Sections 5 through 12 or Section 31 (e) of this Revised Program may request of Local 28's Executive Board that the Local 28 initiation fee be reduced pursuant to the provisions of Paragraph 22(d) of the Order and Judgment. Within 5 days of receipt of such application, the Local 28 Executive Board shall render a decision on the application in writing and notify the applicant, the Administrator, and the parties of the disposition of the application (the notification to the Administrator and the parties shall include the name and address of the applicant). If such application is denied in whole or in part, or is not acted upon within five days of its receipt by the Executive Board of Local 28, an application may be made to the Administrator who shall either grant or deny the request in writing after duly considering all the factors set forth in Paragraph 22(d) of the Order and Judgment. In considering such an application the Administrator may require the submission of such information, documents, or other data from either Local 28 or the applicant as he deems necessary.

b) Upon proper application a non-white eligible for admission to journeyman membership in Local 28 pursuant to Sections 5 through 12 or Section 31(e) may request of the Local 28 Executive Board that payment of the Local 28 initiation fee commence with employment and be payable on a pro-rated basis, each payment not exceeding 10% of the net pay check, and payable only during periods of employment until the fee is paid. Within 5 days of the receipt of such application the Local 28 Executive Board shall render a decision on the application in writing and notify the applicant, the Administrator, and all parties of the disposition of the application (the notification to the Administrator and the parties shall include the applicant's name and address). If such application is denied in whole or in part or not acted upon within 5 days of its receipt by the Executive Board of Local 28, an application may be made to the Administrator who shall either grant or deny the application in writing. The decisions of the Executive Board of Local 28 and the Administrator shall be made having duly considered the financial circumstances of the applicant.

14. a) At any time after an application pursuant to Section 13 has been pending with the Administrator for more than 5 days a non-white eligible for admission to journeyman membership in Local 28 pursuant to Sections 5 through 12 or Section 31(e) of this Revised Program shall be admitted conditionally to journeyman membership upon payment of \$56 dollars and one month's dues pending the determination of the Administrator which shall be made within 30 days of the date of the application to the Administrator. During such conditional membership an applicant will be entitled to all the rights and privileges of regular journeyman membership.

b) If a conditional member is terminated without becoming a regular journeyman member of Local 28 he

shall be entitled to a return of any dues paid in advance for any month in which he was not employed and, if he was not employed during his conditional membership, he shall also be entitled to a return of any payment made toward the initiation fee.

15. The granting of any application pursuant to Section 13 shall not diminish any rights or privileges accruing to journeyman membership in Local 28.

16. A person eligible for admission pursuant to Sections 5 through 11 shall be permitted to defer such admission for up to twelve months from the time he is first entitled to be admitted. During such period, a person who has elected to defer may apply to the Administrator for further deferral of admission, and upon a showing of good cause, the Administrator may continue such deferment for such time as the Administrator shall determine. If an applicant invokes his right of deferral he shall be admitted, on the same terms and conditions as he was previously entitled, within 15 days of written notice to Local 28 that he seeks to be admitted, however, upon good cause shown by the applicant, the Administrator may direct Local 28 to admit the applicant in less than 15 days.

17. Local 28 shall issue "permits" or "identification slips" only with the express written consent of the Administrator, and pursuant to Paragraph 22(r) of the Order and Judgment.

Apprentice Program

18. The JAC shall maintain an Apprentice Program of four years duration or less. The terms and conditions of the apprentice program shall be as set forth in the Collective Bargaining Agreement ("Standard Form of Union Agreement . . . between Local 28 . . . and Sheet Metal Contractors"), the Local 28 Joint Apprenticeship Trust and Indenture, and

the rules and regulations thereunder except as modified by the Order and Judgment, the provisions of this Revised Program, or order of the Administrator pursuant to his powers under the Order and Judgment and this Revised Program.

19. a) The JAC shall indenture no less than 36 apprentices by February 1977 and another class of apprentices (in a number to be determined as set forth in subsection (b) below) by July 1977. The JAC shall indenture two classes of apprentices each year up to and including July 1982; the classes shall be indentured in February and July of each year.

b) Upon consideration of the goals of this Revised Program, and the availability of employment opportunities in the industry, the JAC shall forward its recommendation of the number of apprentices to be indentured in each class, no later than 90 days before each class is indentured, to counsel for the parties and the Administrator. Such recommendation shall be accompanied by a report setting forth the basis for the recommendation. Any objections to the recommendation shall be filed with the Administrator no later than 15 days after receipt of the JAC's recommendation and report. The Administrator shall review the recommendations and objections, if any, to determine if the action taken by the JAC is in accord with the goals and objectives of the Revised Program. Upon a finding the the JAC's recommendation does not meet the goals and objectives of the Revised Program the Administrator shall render his determination as to the appropriate number of apprentices to be indentured. The Administrator shall render his determination within 20 days after the date for filing objections.

c) The numbers of apprentices to be indentured shall include those apprentices admitted with advanced standing.

20. a) Seniority among apprentices shall not be a criterion for employment, and apprentices may be rotated for employment where necessary and feasible pursuant to subsection (c) of this section.

b) The JAC shall make every effort to provide apprentices with classroom instruction, including evenings and Saturdays where necessary, during periods of unemployment, and shall credit such hours toward fulfillment of apprenticeship requirements. The JAC may authorize the accelerated advancement or graduation of any apprentice as it deems proper.

c) The JAC shall establish an employment referral system which shall incorporate the following elements:

(i) A list of all apprentices shall be established in three groupings. Group one shall contain apprentices in terms 1, 2, 3; Group two shall contain apprentices in terms 4, 5, 6; Group three shall contain apprentices in terms 7 and 8.

(ii) A record shall be kept for each apprentice of the number of manhours worked within each group and the JAC shall refer out apprentices in inverse order to the number of manhours worked (so that apprentices with the lowest number of manhours shall receive referrals first).

(iii) To the extent feasible the JAC shall rotate the groupings to insure that no one grouping, or persons therein, receive a disproportionate amount of work.

(iv) The JAC shall provide counsel for the parties and the Administrator with monthly reports. Such reports shall include but not be limited to: A) all apprentices by name, ethnic status, term, grouping, number of manhours worked, and name of contractor(s) that the apprentice is assigned to; and B) summary of manpower reports showing the number of journeymen and apprentices working for all employees.

The JAC shall provide counsel for all parties and the Administrator with a proposed referral system incorporating the above elements, on or before April 1, 1977.

d) The JAC shall take all reasonable steps, in addition to those set forth in subsections (a) through (c) of this section, to insure that apprentices receive adequate employment and/or training opportunities. Such steps shall include but not be limited to the following:

(i) Advising counsel for all parties and the Administrator whenever an employer receives a contract from the City, State, or Federal Government.

(ii) Advising such employers of their obligations under City Executive Order 71, New York State Labor Law 220e (and ^{New York} ~~any~~ State Executive Order ¹¹⁴⁵), and Federal Executive Order 11246. 446

(iii) Reporting to counsel for all parties and the Administrator the names of any sheet metal employers which, based upon manhour computations, appears to be out of compliance with the appropriate statute, executive order, and/or rule and regulation.

(iv) Taking all necessary steps to seek out and apply for governmental manpower training funds. The JAC shall advise counsel for all parties and the Administrator what actions it is taking in this regard and shall provide a copy of any funding proposal to the Administrator prior to its submission to the funding agency.

21. Upon successful completion of the Apprentice Program, apprentices shall be promptly admitted to full journeyman membership upon payment of the balance due of the initiation fee, if any, which upon application to the Local 28 Executive Board may be paid on an installment basis for good cause shown, and subject to the procedures contained in Section 13.

22. Applications for the Apprentice Program shall be made available to and accepted from any qualified candidate. A qualified candidate is defined as follows: any person who is deemed physically fit for sheet metal work and who has or will have attained the age of 18 years by the date of indenture of the next scheduled apprentice class and who is not older than 25 years of age (for veterans of active military duty the age limit is extended one year for each year of such duty up to the age of 30) and for non-whites not over the age of 35 applying for advanced standing, and who is a citizen or permanent resident alien.

23. With the approval of the Administrator, the JAC shall develop a standardized application form for the Apprentice Program. The application form shall include information about the date of the next class of apprentices to be indentured, and shall require only the following information of the applicant:

- a) Name, address and telephone number;
- b) Birth date and age;
- c) Social Security number;
- d) Extent of education;
- e) Sex;
- f) Race or ethnic classification (with a notation that this information is required solely for the purposes of compliance with federal anti-discrimination statutes);
- g) Military service;
- h) Convictions and pending criminal charges;
- i) Citizenship or lawful permanent resident alien status.

24. Application forms for the Apprentice Program shall be available at the offices of the JAC during normal business hours and at the offices of the organizations listed

in Appendix A at least 60 days before an examination. Application forms shall be made available by mail upon written request. Completed applications shall be accepted in person or by mail at the offices of the JAC. There shall be a filing fee of no more than \$15.00. Application forms shall be made freely available to any governmental employment office and minority community organizations not listed in Appendix A upon request. The time for filing applications for a particular apprenticeship test may be closed by the JAC at a reasonable time (not to exceed three weeks) before the date of the examination.

25. a) An apprentice aptitude test shall be given in December, 1977 and at least once yearly thereafter at a date, time and location approved by the Administrator. The test shall consist of the following: (i) a mechanical comprehension test, which has been validated under EEOC Guidelines, similar in substance and scope to the mechanical comprehension test administered by JAC in April 1969, and/or (ii) a spatial relations test, which has been validated under EEOC Guidelines, similar in substance and scope to the spatial relations test given in December 1975. The Administrator, after consultation with the parties, may apply to the Court to decrease the frequency of the tests consistent with the requirements of the interim goals set forth in Section 2.

b) The JAC may apply to the Administrator to give a basic "read and follow directions" test which has been validated under EEOC Guidelines and is designed to ascertain an applicant's ability to master and understand those written and verbal instructions, directions, and other communications necessary to participate in the Apprenticeship Program at the first year level; upon good cause shown, the Administrator shall authorize the administration of such a test as part of the apprentice aptitude test. There shall be professionally developed and validated a qualifying score on

the "read and follow directions" test designed to reflect the minimum ability necessary to participate in the Apprentice Program at the first year level. The JAC may also apply to the Administrator to give a math test as part of the apprentice aptitude test, and such test may be given upon good cause shown. Such math test shall be professionally developed and validated (pursuant to EEOC Guidelines) as to content and qualifying score in such manner as to reflect the minimum ability necessary to participate in the Apprentice Program at the first year level.

(c) With respect to the apprentice aptitude test which is to be administered in December 1977, on or before May 1, 1977, the JAC shall furnish counsel for the parties and the Administrator with (i) a copy of a report demonstrating the validity of the test and (ii) a copy of the test to be administered, provided that counsel for the parties and the Administrator shall not distribute or disclose the contents of the test to any individual or organization except for the purpose of validation thereof. With respect to all subsequent tests administered pursuant to this section, the JAC shall provide the Administrator and counsel for the parties with the information and material requested in subsections (1) and (ii) herein at least four weeks prior to the schedule date of each test.

26. Within three weeks of the administration of an apprentice aptitude test, JAC shall provide the Administrator and all parties with:

- a) the names, race and ethnic identification, raw scores and rank of all candidates on all tests; and
- b) the mean and median scores on all tests of all identifiable racial and ethnic groups among the candidates.

27. In fulfillment of JAC's and Local 28's obligations under Section 19, apprentices chosen by means of the apprentice aptitude test shall be selected on the basis of the ranking of scores (highest first) received on the mechanical comprehension test and/or the spatial relations test among all eligible candidates.* If a "read and follow directions" test and/or a math test is administered pursuant to Section 25, then ranking and selection based upon scores on the mechanical comprehension test and/or the spatial relations test shall be from among those applicants who meet or exceed the qualifying score on the "read and follow directions" test and/or the math test.

28. Persons selected for the Apprentice Program may be required to appear for orientation and a physical examination prior to being indentured. The cost of physical examinations are to be borne one half by successful applicants and one half by the JAC. Additional persons may be invited to orientation and a physical examination by Local 28 JAC if that appears desirable. Persons selected in accordance with the above procedures shall be indentured as apprentices unless such indenturing is waived by them, or they are certified physically unable to perform sheet metal work by a medical practitioner licensed in New York State.

Advanced Apprentices

29. There shall be established by the JAC procedures for the admission and advanced placement in the Apprentice Program of non-white apprentices who have experience in sheet metal work or trade education but cannot perform at

* Apprentices chosen for the July 1977 class shall be selected on the basis of ranking of scores received on the spatial relations test MAT 8 and MAT 9 given December 1975.

journeyman level. Applicants for advanced placement shall have at least six months experience in sheet metal work or trade education, be physically fit and shall be not less than 18 years old or more than 35 years old by the date of indenture of the next scheduled apprentice class.

30. The Training Coordinator of JAC (the "Coordinator") shall evaluate the experience of all applicants for advanced standing and shall make placement of the appropriate grade level. The grade level assigned shall be conditional for a period to be determined by the Coordinator, not exceeding three months, based upon classroom work and on the job performance. Applicants who challenge the grade level assigned shall be advised of their right to appeal to the Administrator.

31. a) The Administrator shall determine the number of advanced apprentices to be admitted from the list resulting from each test, based upon the needs of the Apprentice Program at any given time and the number of applicants eligible for advanced standing as certified by the Coordinator.

b) Apprentices who meet the requirements of Section 29 shall be selected for advanced standing in the following manner:

(i) Those whose ranking on the apprentice aptitude examination qualifies them for acceptance into the Apprentice Program pursuant to Section 19 shall be selected in accordance with their ranking and admitted with advanced standing, subject to the number determined by the Administrator pursuant to subdivision (a) of this Section.

(ii) If there are insufficient apprentices who qualify for advanced standing selected by the procedure contained in subdivision (b)(i) of this section to satisfy the number determined by the Administrator, additional apprentices to reach this number shall be selected in ranked order, from those who are over 25 years of age and

whose score on the apprentice aptitude examination places them below the number otherwise selected pursuant to Section 19.

c) The number of apprentices admitted with advanced standing under subdivision (b)(i) of this section shall be included in the number of apprentices selected pursuant to Section 19. The number of apprentices admitted with advanced standing under subdivision (b)(ii) of this section shall not be included in the number of apprentices selected pursuant to Section 19.

d) An advanced apprentice shall be entitled to all rights, privileges and other benefits including work referral, pay, instruction, and supervision accruing to regular apprentices at the same level of training.

e) Apprentices admitted with advanced standing pursuant to Sections 29 through 31 who successfully complete the Apprentice Program may make the applications provided for in Section 13 of this Revised Program.

f) Advanced apprentices assigned for work may be utilized to satisfy City and City-assisted contract requirements for the employment of minority trainees.

32. The Coordinator shall develop a pre-examination study group program so as to familiarize all applicants for the Apprentice Program with the type of test that they will be given. All applicants shall be notified in writing at least two weeks in advance of the apprentice aptitude test that the study program is available to them. Such notice shall contain the date, time, and location of the study group meetings. The meetings shall be held in the evening after 6:30 P.M. At such time as shall be determined by the Administrator but in no event later than 60 days prior to the test date, the Coordinator shall submit a detailed program including but not limited to teaching methodology, program materials, and the organization of the groups.

Records

33. In addition to any other records or lists required to be maintained under the terms of this Revised Program or the Order and Judgment, Local 28 and JAC, as the case may be, shall maintain separately for whites and non-whites, records and lists containing the following information, beginning with the effective date of the Affirmative Action Program entered on November 25, 1975.

- a) Persons who request an application for or apply to take the 'hands-on' journeyman's test described in Section 5;
- b) Persons who take the 'hand-on' journeyman's test described in Section 5;
- c) Persons who pass the 'hands-on' journeyman's test described in Section 5;
- d) Persons who apply for journeyman admission on the basis of experience, described in Section 12;
- e) Persons who are admitted, and those rejected, for journeyman membership on the basis of experience, described in Section 12;
- f) Persons who seek or apply to transfer into Local 28 from an affiliated sister local union;
- g) Persons who inquire of Local 28 about the possibility of transferring into Local 28 from an affiliated sister local union;
- h) Persons who inquire of Local 28 as to the availability of work opportunities with or through Local 28, including but not limited to inquiry about or seeking

Persons who are reinstated to journeyman membership in Local 28 having previously exercised withdrawal privileges.

"permits" or "identification slips";

- i) Persons to whom "permits" or "identification slips" are issued or work opportunities with or through Local 28 are otherwise made available;
- j) Persons who contact Local 28 or JAC seeking sheet metal work;
- k) Persons who are employed as sheet metal workers or apprentices by Local 28 contractors;
- l) Persons working in sheet metal shops at the time they are organized by Local 28;
- m) Persons who are reinstated to journeyman membership or membership in the Apprentice Program;
- n) Non-whites who apply for advanced standing in the apprenticeship program described in Sections 29-32;
- o) Non-whites who are granted advance standing in the apprenticeship program and the standing granted as described in Sections 29-32;

p) The records and lists specified in subsection (a) through (o) of this Section shall contain the name, address, race, or national origin, union affiliation, if any, of each individual listed therein, as well as the date of the application, test, inquiry, contact, or employment (and the name of the contractor, whereapplicable), and the disposition with reasons, of each such application, test, inquiry, contact or employment. Copies of these records and lists shall be submitted to counsel for the parties and the Administrator at least once every three months.

Said records and lists may exclude telephonic requests for information. However, individuals requesting information by telephone shall be informed that their requests should be made in writing, and a form for this purpose shall be sent to such individual.

34. Local 28 or JAC, as the case may be, shall submit the following data to the Administrator and the parties at the time specified:

- a) the name and ethnic identity of persons admitted into (i) journeyman status in Local 28 or (ii) apprentice status in the Apprentice Program, within 5 days of such admission;
- b) on January 1 and July 1 of each year the total number of (i) journeyman members of Local 28 (as defined in Section 2), and (ii) apprentices. Such reports shall include the percentage of non-whites in each group.

35. The JAC shall maintain complete records of all applications and other material concerned with the selection and work records of apprentices. These records shall include but not be limited to an applicant log for each examination showing the name, ethnicity, date of birth of each applicant, dates of completion of each step in the application procedure, and disposition of each step in the application procedure, and disposition of each application. All such records shall be made available for inspection and copying by the plaintiffs and the State Division at reasonable intervals during normal working hours or at other mutually convenient times. In addition, records shall be submitted to the Administrator and plaintiffs as follows:

a) Prior to each apprentice entrance test and within 7 days of the closing of the application procedure the JAC shall submit a report including the following information for each person who filed or requested an application for that apprentice examination: name, address, telephone number and race or national origin, if known, for those who request applications.

b) Within 20 days after indenturing a class of apprentices the JAC shall provide a report of the names and ethnic classification of all persons who were rejected during the application and testing period and the reason therefore and the names of all persons whose application became inactive and the reason therefore.

c) Every six months subsequent to the indenturing of a class of apprentices the JAC shall furnish a report giving the names of all non-white apprentices, the name(s) of contractors to which each was referred and the number of hours worked. Such report shall be a summary of the reports required to be filed monthly pursuant to Section 20(c).

d) The Joint Apprenticeship Committee shall furnish the names of all non-white apprentices who are dropped from the Apprentice Program. Said information shall be furnished within twenty days from the date action is taken by the Joint Apprenticeship Committee. Said report shall contain the reason why the individual was dropped from the Program and the steps taken by the Joint Apprenticeship Committee to retain the individual in the Program. The report shall also include the training and employment history of the individual while he was in the Program. The Joint Apprenticeship Committee shall furnish the names of all non-white apprentices who leave the Program other than by action of the JAC. Such report shall contain the reason the apprentice has left the Program as ascertained by an exit interview diligently attempted.

Said information shall be furnished within twenty days from the time the JAC is notified that the apprentice has left the Program.

36. All records and lists required to be compiled by this Revised Program shall be maintained for ten years and shall be made available for inspection and copying by the parties and the Administrator on reasonable notice during regular business hours or at any other mutually convenient time without further order of the court.

Advertising and Publicity

37. The parties shall use their best efforts to disseminate accurate information to the non-white community of opportunities within Local 28 and the Apprentice Program.

38. Prior to each 'hands-on' journeyman's test and apprentice aptitude test, at a time to be selected by the Administrator to insure full coverage and effectiveness, Local 28 (in the case of the 'hands-on' journeyman's examination) and JAC (in the case of apprentice aptitude tests) shall undertake a program of advertising and publicity, under the overall supervision of the Administrator, designed to inform the non-white community in New York City of the date, location, and nature of such examinations, the qualifications therefore and the opportunities available upon successful completion of the test. Additionally, the overall apprenticeship recruiting and publicity campaign shall include a component limited toward advanced apprentices. These campaigns may include print and electronic media, dissemination of material to community, government and minority organizations. The City of New York may provide space and opportunities for such publicity.

39. By April 1977, Local 28 and JAC shall provide to the Administrator and the other parties a written plan of an effective general publicity campaign designed to inform

the non-white community in New York City of non-discriminatory opportunities in Local 28 and the Apprentice Program as provided in the Order and Judgment and this Revised Program.

The other parties shall have 30 days to comment upon the written plan and the Administrator, having considered all submissions, shall revise the plan if he deems necessary and shall order it into effect by May 1, 1977.

Work Referral

40. The Administrator shall conduct a study of the present Local 28 work referral system as described in the written statement submitted pursuant to Paragraph 21(g) of the Order and Judgment. This study shall be completed by April 1, 1977 and the Administrator shall submit to the parties such recommendations he deems necessary to assure that non-whites do not bear a disproportionate share of unemployment.

Resolution of Disputes

41. a) The Administrator shall hear and determine all complaints concerning the operation of the Order and Judgment and this Revised Program and shall decide any questions of interpretation and claims of violations of the Order and Judgment and the Revised Program, acting either on his own initiative or at the request of any party herein or any interested person. All decisions of the Administrator shall be in writing and shall be appealable to the Court.

b) Any party or any individual affected by this Revised Program may make a complaint to the Administrator within thirty days after the situation complained of arises. The Administrator shall give the parties notice of such a complaint within five days and, where a hearing is in his discretion warranted, expeditiously schedule such hearing.

General Provisions

42. Local 28 and the JAC shall post conspicuous notices, in language and at locations approved by the

Administrator, advising individuals of their rights under this Revised Program within 60 days after the Revised Program is approved by the Court.

43. Nothing contained in the Revised Program should be construed as preventing the Executive Board from adopting portions of the Revised Program for the benefit of whites and other minorities provided that such plans do not interfere with the operation of this Revised Program.

44. Except as modified, changed or amended by the terms of this Revised Program or order of the Administrator, Local 28 and JAC shall not change, modify or amend any aspect of the operation or content of the Apprentice Program, or the conditions or terms upon which an individual shall become a member of the Apprentice Program of Local 28 or entitled to work within the jurisdiction of Local 28.

45. At any time, any of the parties herein may apply to the Administrator and then to the Court for the purpose of seeking additional orders to insure the full and effective implementation of the terms and intent of this Revised Program.

Dated: New York, New York
December 30, 1976

David Raff
DAVID RAFF, ESQ.
Administrator

SO ORDERED:

Henry F. Horvath
U.S.D.J.
Dated: *January 17, 1977.*

APPENDIX A

New York State Division of Employment (Department of Labor)
Department of Employment of the City of New York
Bureau of Labor Services of the City of New York
Recruitment and Training Program, Inc.
Fight Back
Asian Americans for Equal Employment
Black Economic Survival
Regional Neighborhood Manpower Services Centers of New York City
New York City Board of Education (Public High School and
Evening Trade Division)
Williamsburg Coalition
New York Urban League
National Association for the Advancement of Colored People
Puerto Rican Community Development Project
National Association for Puerto Rican Civil Rights
Citywide Coalition of Black, Hispanic, and Asians in
Construction
New York Project Equality
Commonwealth of Puerto Rico
Opportunities Industrialization Center of New York, Inc.
Bedford-Stuyvesant Restoration Corp.
New York City Human Rights Commission*
New York State Division of Human Rights*

* Send notices of exams, but no bulk application.

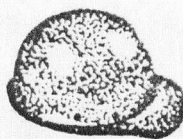
**SHEET
METAL
WORKERS
INTERNATIONAL
ASSOCIATION**



**LOCAL UNION
NO. 28 OF
NEW YORK CITY**

1790 Broadway
at 58th St.
NEAR COLUMBUS CIRCLE
20th Floor
New York, N.Y. 10019
Union Office
Phone (212) 541-6200
Fund's Office
Phone (212) 541-6300

AFFILIATED
N.Y. State AFL & CIO
•
N.Y. State Building
and Construction
Trades Council
•
Building and
Construction Trades
Council of Greater N.Y.
•
N.Y. City Central
Labor Council AFL & CIO


**UNITY
CRAFTSMANSHIP
BROTHERHOOD**

HARRY J. RUECKERT
PRESIDENT

DANIEL F. WILTON
FIN. SEC'Y-TREAS.

JOSEPH CASEY
RECORDING SEC'Y

1863

September 1, 1976

Handwritten: ~~Joe McCarthy~~
70-1678
75-3833 appeal
75-4016 appeal

David A. Raff, Esq.
49-51 Chambers Street - Room 220
New York, N. Y. 10007

Re: EEOC and City of New York
vs.

Local 638 . . . Local 28, etc., et al
71 Civ. 2877 (HFW)

Dear Mr. Raff:

In accordance with the provisions of Paragraph 38 of the Affirmative Action Program, reported hereinbelow is the census of Local 28's membership as of July 1, 1976:

	<u>White</u>	<u>Non-White</u>	<u>Total</u>	<u>% of Non-Whites</u>
Journeyman	2727	120	2847	4.2%
Pensioners*	259	2	261	.8%
Apprentices	46**	34	80	42.5%
TOTALS	3032	156	3188	4.9%

*Persons who worked as journeymen prior to retirement as pensioners within last three years.

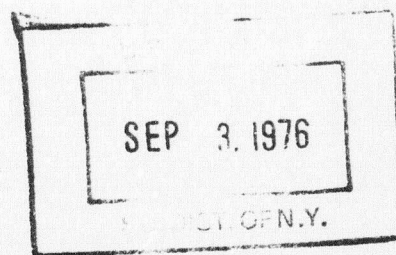
**Includes ten (10) Orientals.

Very truly yours,

Handwritten signature of Daniel F. Wilton
DANIEL WILTON
Financial Secretary-Treasurer

DW/fl
opeiu/153

cc. Taggart D. Adams, Esq.
Ellen Kramer Sawyer, Esq.
Dominick Tuminaro, Esq.
William Rothberg, Esq.
Sol Bogen, Esq.



Memorandum and
Order dated July 7, 1976

1864

Mr. Corsi

70-1674

mfb

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

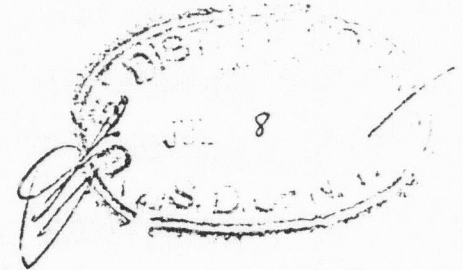
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, and THE CITY OF NEW
YORK,

Plaintiffs,

- against -

LOCAL 638 ...
LOCAL 28 OF THE SHEET METAL
WORKERS' INTERNATIONAL
ASSOCIATION, LOCAL 28 JOINT
APPRENTICESHIP COMMITTEE ...
SHEET METAL AND AIR-CONDITIONING
CONTRACTORS' ASSOCIATION OF NEW
YORK CITY, INC., etc.,

Defendants.



MEMORANDUM

AND ORDER

71 Civ. 2877 (HFW)

LOCAL 28,

Third-Party Plaintiff,

- against -

NEW YORK STATE DIVISION OF HUMAN
RIGHTS,

Third-Party Defendant.

LOCAL 28 JOINT APPRENTICESHIP
COMMITTEE,

Fourth-Party Plaintiff,

- against -

NEW YORK STATE DIVISION OF HUMAN
RIGHTS,

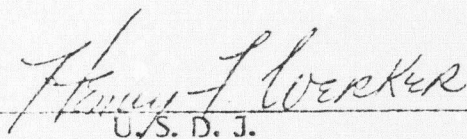
Fourth-Party Defendant.

I affirm the decision of David A. Raff, Esq., Administrator, that a journeyman in good standing of Local 28 is presumptively qualified for a position on an Examining Board to determine admissions to Local 28 on the basis of experience. I have reviewed the record of the hearing before the Administrator, on March 5, 1976 with respect to the qualifications of the two persons named to the examining board. After due consideration and an examination of the exhibits which were received and rejected at that hearing I have come to the conclusion that Mr. William Gonzalez is qualified by experience and education. I have further come to the conclusion that Mr. Charles Saunders is qualified by experience and education but his position as the principal in a sheet metal firm disqualifies him as a member of this board for ethical reason, as well as a real possibility of conflict and bias against the Union of which he is presently a member although his termination is imminent under the By-Laws.

I would therefore direct that the plaintiffs select a member in the place and stead of Mr. Saunders.

DATED: New York, New York

July 7, 1976



U.S. D. J.

1 ms

1866

EXCERPTS FROM HEARING ON
MARCH 5, 1976 RE: EXAMINING
BOARD

22

2 WILLIAM GONZALEZ, called as a

3 witness, testified as follows:

4 THE ADMINISTRATOR: You are directed to
5 answer truthfully.

6 EXAMINATION

7 BY MR. BOGEN:

8 Q You heard me state before that Mario
9 Feriello stated that while you worked for Town your
10 employment was exclusively in the field, is that a
11 fair and accurate statement?

12 A True.

13 Q And that your work with Town was
14 exclusively with small jobs, two or three men.

15 Is that a fair and accurate statement?

16 A Well, right. Two to four men.

17 Q And that he considered you at the most
18 on occasion the lead man and not a foreman.

19 A Well, lead man and a foreman in a small
20 shop is the same thing. You said before small jobs.

21 Town Sheetmetal Works has never had a
22 28 man work for them this long because they were not
23 good enough and they would not hold him for any reason.
24 That is a fact. You can check their records as
25 far as how long a 28 man has worked for them.

2 I worked for them close to two and a
3 half years. As soon as they come back and they get
4 some work in the city, I will go back with them.
5 As far as running their work, I ran their work.
6 It is more difficult to run small work than it is
7 big work because you have a time limit. You have
8 to be there and on the button.

9 Q During your employment with Town did you
10 receive only journeyman's wages?

11 A Yes, I received only journeyman's wages.

12 Q You never received premium pay or bonus
13 pay, is that correct?

14 A They knocked all that out.

15 Q You never received any additional
16 pay or compensation as a lead man, is that correct?

17 A No, I didn't.

18 May I say something for a second?

19 You know the times that we are in,
20 correct? You know we are in tough times in our
21 local as far as employment is concerned.

22 I doubt it very much if very many men can
23 pressure the employer into asking him for premium
24 wages, for over the scale wages at this time.
25 It is not so smart to do something like that when

2 you work for a small shop.

3 Q You and I can agree that if you are
4 working as a journeyman some of the premium pay avail-
5 able might not be available and it is not the smart
6 thing to do, is that correct?

7 A Right.

8 Q And the people working as foremen, super-
9 intendents and deputy foremen, they are paid additional
10 pay, is that correct?

11 A I would not know.

12 Q You have never worked in the city?

13 A I've worked on some of the biggest build-
14 ings in the city.

15 Q But only for Town.

16 A No, for National Sheet Metal as an
17 apprentice.

18 Q Do you understand or do you know that
19 with 55 foremen are paid as a matter of contract
20 additional compensation?

21 A I have no knowledge of that and never
22 called their local.

23 Q I read off a little while ago a summary,
24 Local 28's Exhibit C, the employer's reports.

25 Does it fairly and accurately reflect the

2 times you worked and the people that worked with you?

3 A Yes.

4 THE ADMINISTRATOR: Do you want to look
5 at the exhibit?

6 THE WITNESS: No, it is all right.

7 Q I want to have this clear:

8 Feriello said that you never worked in the
9 shop, is that correct?

10 A Not allowed to work in the shop because
11 it is out of our territory.

12 Q It is a 55 shop, is that correct?

13 A A 55 shop.

14 Q And would not supervise or be a foreman
15 of their men either, would you?

16 A Not in their jurisdiction, no.

17 You see, one of the benefits I had, I had
18 more knowledge than they did as far as any big work
19 or only big equipment because of my experience with
20 National.

21 Q With respect to your work with Town, did
22 you ever work on a job with more than two people
23 including yourself as one of the two?

24 A Yes.

25 Q How many times did you work on jobs with

2 more than two people?

3 A How many jobs?

4 Q Yes, how many jobs?

5 A Maybe four jobs.

6 Q All the other jobs were only two people,
7 you and another sheet metal worker?

8 A Two or three, depending.

9 Q I want to get that clear in my mind.

10 There were four jobs in which you worked with more
11 than another sheet metal worker?

12 MR. ADAMS: That is not the question you
13 asked him and not the answer he gave.

14 MR. BOGEN: I asked him exactly that
15 question.

16 MR. ADAMS: I want to clarify the record.

17 Q Were you confused, Mr. Gonzalez?

18 A Ask the question again.

19 MR. ADAMS: The question that was asked
20 was how many jobs he worked with more than two other
21 people.

22 MR. BOGEN: And he answered four jobs.

23 MR. ADAMS: Now you have asked him another
24 question.

25 MR. BOGEN: There was a hesitancy in terms

2 of that.

3 Q You worked strictly in the field, is that
4 correct?

5 A Yes.

6 Q And you told us during this period of
7 time that you worked on only four jobs where there
8 were only two men, is that correct?

9 A Yes.

10 Q The jobs with two men or less meant you
11 and one other man or you by yourself, is that
12 correct?

13 A Right.

14 Q With respect to the four jobs that you
15 can think of now -- if you can think of any more, let
16 me know -- what jobs were they?

17 A I have no idea. I have to look into them
18 to find out.

19 It might have been in Manhattan. It might
20 have been in the Bronx. I have no idea. I can't
21 pinpoint it.

22 Q When was the last time you worked on a
23 job where there were more than two men including
24 yourself?

25 A I have no idea. I really have to look

2 into it.

3 Q But you finished working for Town in
4 January of '76, is that correct?

5 A I have no idea. I have to check with
6 Town to find out exactly.

7 Q On the top of your resume you say from
8 1973 to the present and indicating your employment
9 with Town.

6

10 When did you prepare the resume?

11 A I didn't break it down into months
12 because, you see, working for a small shop there is
13 a time lapse all the time.

14 You are knocked off for a couple of
15 weeks and you are put on again.

16 Q If you look at your resume you say from
17 1973 to the present, the first page.

18 I am trying to determine what the word
19 "present" is relative to.

20 MR. TUMINARO: Isn't this going beyond
21 the scope the questions with respect to the foreman?

22 THE ADMINISTRATOR: I agree. It is
23 irrelevant as to when the resume was prepared.

24 MR. BOGEN: I think what you might want
25 to do is give me an opportunity to reply.

2 I am trying to get the present identified
3 and not in relation to when he last worked.

4 THE ADMINISTRATOR: He indicated that
5 he does not recall.

6 Q You do not know when you did the
7 four jobs. Can you recall how many men were on
8 those jobs, the four jobs?

9 A Some of them were four men.

10 Q And some of them three men?

11 A Yes, right. I worked in Staten Island
12 with four 28 men.

13 MR. BOGEN: I have no further questions.

14 THE ADMINISTRATOR: Do any counsel of the
15 plaintiffs have any questions for Mr. Gonzalez?

16 MR. ADAMS: I have no questions.

17 THE ADMINISTRATOR: Mr. Dunbar?

18 MR. DUNBAR: No.

19 THE ADMINISTRATOR: Mr. Gonzalez, you
20 worked as an apprentice sheet metal worker for
21 National Sheet Metal Works, is that correct?

22 THE WITNESS: Yes.

23 THE ADMINISTRATOR: Did you work in the
24 shop?

25 THE WITNESS: No, I did not.

2 THE ADMINISTRATOR: Where did you work?

3 THE WITNESS: Out in the field.

4 THE ADMINISTRATOR: Did you have a broad
5 range of experience when working as an apprentice?

6 THE WITNESS: Yes. Everything from the
7 fan room.

8 THE ADMINISTRATOR: You went through the
9 normal four-year apprentice program?

10 THE WITNESS: Yes. That's why I took a
11 course in sheet metal layout in Local 28 so I could
12 have a broader range of knowledge.

13 THE ADMINISTRATOR: Are you talking about
14 what is currently on your resume now involving a
15 course in drafting?

16 THE WITNESS: No, a course in cutting
17 and layout.

18 THE ADMINISTRATOR: That is in
19 addition to that, right?

20 THE WITNESS: Right, and that's the reason
21 why I took it.

22 THE ADMINISTRATOR: You are continuing
23 to broaden your education according to your resume?

24 THE WITNESS: Yes. Right now I'm
25 currently taking a sketching course.

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Gonzalez

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2 THE ADMINISTRATOR: Mr. Gonzalez, I have
3 no further questions.

4 Mr. Adams, do you have any questions?

5 MR. ADAMS: No.

6 THE ADMINISTRATOR: I was going to tell
7 Mr. Gonzalez that we are through with him for purposes
8 of questioning.

9 Mr. Adams, you may make a statement.

10 MR. ADAMS: The EEOC would oppose the
11 motion by Local 28 to objecting to the appointment
12 of Mr. Gonzalez as a member of the tripartite board.

13 It is clear to me that we begin with
14 the presumption in favor of Mr. Gonzalez' qualifica-
15 tions for the Board simply on the basis that he has
16 graduated and with at least one prize from the four-
17 year apprentice program established under Local 28
18 and the Employers' Association, JAC. In addition to
19 that he is a member now in good standing as a journey-
20 man of Local 28.

21 He has taken at least one further course
22 and completed it satisfactorily, of journeyman training
23 in the evening, I take it, which is set forth in
24 his certificates attached to his resume, the course
25 being in electrical and plumbing, a 90-hour course in part

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39

2 is not qualified to sit and make the criteria and
3 set judgments on the work. You evaluate it
4 differently.

5 THE ADMINISTRATOR: Mr. Bogen, I know what
6 your appeal rights are. It is my ruling that there
7 has been no evidence adduced before me today that
8 would in any way disqualify Mr. Gonzalez from serving
9 on this Board.

10 MR. ADAMS: Do you make a finding that
11 Mr. Gonzalez is knowledgeable in sheet metal work?

12 THE ADMINISTRATOR: Knowledgeable
13 sufficient to qualify him as a member of the Board
14 of Examiners.

15 MR. TUMINARO: Do you make a finding
16 with respect to the criteria for qualification?
17 In other words, is it sufficient for somebody to have
18 been a journeyman knowledgeable in sheet metal to
19 serve on this board, or is there something more, as
20 Mr. Bogen seems to be implying, that the order seems
21 to require?

22 Are you making any finding with respect
23 to that issue?

24 THE ADMINISTRATOR: If you so move before
25 me I will make a finding.

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2 THE ADMINISTRATOR: I will voir dire
3 Mr. Saunders.

4 Mr. Saunders, you are directed to tell the
5 truth in this proceeding.

6

7 C H A R L E S S A U N D E R S , called as a
8 witness, testified as follows:

9 THE ADMINISTRATOR: Are you a member in
10 good standing of Local 28 at this time?

11 THE WITNESS: Yes.

12 THE ADMINISTRATOR: Do you have anything
13 to rebut that with? It means that he has not been
14 expelled.

15 MR. STACK: The definition is that his
16 dues be paid to and for the current month. That is
17 the definition of good standing.

18 MR. BOGEN: There is a dipute with respect
19 to his corporate position and whether or not he can
20 continue to remain a member in good standing.

21 I want to develop what we have here and if
22 you pass upon it and rule otherwise, you rule other-
23 wise.

24 THE ADMINISTRATOR: The question
25 has been raised as to whether or

2 not Black Iron has been doing any work and relevant
3 to whether Mr. Saunders has the necessary qualifications
4 to be a member of the board.

5 Mr. Saunders has indicated that he is a
6 Local 28 member in good standing and creates the
7 presumption that he does have the experience.

8 If you wish to address yourself to attacking
9 that presumption, I will be willing to let you proceed.

10 MR. TUMINARO: Do we have the resume in
11 evidence?

12 THE ADMINISTRATOR: Do you wish to intro-
13 duce the resume?

14 MR. BOGEN: Sure.

15 THE ADMINISTRATOR: The resume of Mr. Charlie
16 Saunders will be Local 28's Exhibit D.

17 (Local 28's Exhibit D was marked.)

xx

18 MR. BOGEN: I would like to pursue the
19 material with the Black Iron and examine Mr. Saunders
20 as to that aspect of it to develop the relationship
21 between Mr. Saunders and the local at this time.

22 THE ADMINISTRATOR: I will permit it on a
23 limited basis. I may cut it off at any point.

24 MR. BOGEN: The records indicate, as I
25 said before, that Black Iron was operating for the

2 limited period of three weeks in '75.

3 MR. ADAMS: Will you identify the records,
4 please? What are these records?

5 MR. BOGEN: The records of the Pension Fund,
6 Welfare Plan and Welfare Fund.

7 I would like to have that marked and
8 introduced as Local 28's Exhibit 28-E.

9 THE ADMINISTRATOR: Is there any objection?

10 MR. TUMINARO: I object to it on relevancy.
11 If Mr. Bogen establishes that it is relevant and if
12 you find there is some connection, then it can be
13 accepted into evidence. Until then, I do not see
14 why it ought to be.

15 MR. DUNBAR: I join Mr. Tuminaro. I ask
16 that you rule on what this is relevant to, whether it
17 is relevant to his experience or his status as a
18 journeyman.

19 THE ADMINISTRATOR: Mr. Bogen has indicated
20 that it is relevant to the corporate entity, Black Iron,
21 to Local 28.

22 I will accept it with reservation subject
23 to withdrawal if no connection is made.

24 MR. ADAMS: I take it that what the records
25 reflect are payments by Black Iron Sheet Metal to

2 various Local 28 funds; is that correct, Mr. Bogen?

3 MR. BOGEN: Yes. I think the document
4 will speak for itself.

5 THE ADMINISTRATOR: This is accepted
6 subject to connection as Exhibit E.

7 (Local 28's Exhibit E was marked.)

xx

8 MR. BOGEN: At this time I would like to ex-
9 amine Mr. Saunders with respect to the documents and
10 the items that I have before me.

11 THE ADMINISTRATOR: Mr. Saunders, you are
12 directed to tell the truth in this matter.

13 Mr. Bogen.

14 EXAMINATION

15 BY MR. BOGEN:

16 Q Mr. Saunders, your resume indicates that
17 Black Iron was organized or commenced in January of
18 '74, is that correct?

19 A It says that I started working actively
20 with it in January of '74.

21 It was incorporated in February of '73.

22 Q Your first connection was January of '74?

23 A No, not my first connection. The first
24 thing I did was to try to do some business, do you
25 understand what I mean?

2 This is inconsistent. It is relevant in our mind
3 as to the kind of work he did. We have the
4 resume as field superintendent at Key Delta Corp.
5 Based upon what we were able to deduce, this is
6 introduced to show that he was not a field super-
7 intendent and the kind of work he was doing at the
8 time.

9 THE ADMINISTRATOR: Mr. Saunders, on your
10 resume you indicated 10/'73 to 12/'73 that you were
11 field superintendent for Key Delta Corp.

12 Mr. Bogen has raised a question whether
13 you were employed during that time and what position
14 you were employed in.

15 Mr. Saunders, does your resume accurately
16 reflect your work history or is there a modification
17 you wish to make at this time?

18 THE WITNESS: I worked all the way to the
19 end of '73 for them. The beginning date might be
20 different. A company does not always do or have a
21 running job and the union is only concerned with when
22 you get payments as a mechanic.

23 The only concern is for a mechanic's wage
24 and no report for that is required. A lot of that
25 money is taxable and paid outside and over and above

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2 what the unions are required.

3 Also I can send you my business cards with
4 my name printed on them and with my symbol stating
5 that I was a field superintendent. Along with my
6 responsibility to them was not only to, you know,
7 supervise the working being done in the field but also
8 to go around and meet people and things of that nature
9 which had nothing to do with Local 28. That is what
10 I have to say.

11 You can introduce all the records and
12 they don't indicate any differentiation in pay and there
13 no reason why it should. I might like the power of
14 being field superintendent and do it for mechanics
15 wages. I don't think that has any bearing on
16 Mr. Gonzalez and myself.

17 THE ADMINISTRATOR: Restrict your remarks
18 to yourself, Mr. Saunders.

19 Mr. Bogen, do you have any remarks in this
20 area?

21 MR. BOGEN: No. I want to note Mr. Saunders
22 understanding of the obligations that he stated for the
23 record are incorrect.

24 You have a copy of the collective bargain-
25 ing agreement that provides to that extent that any

1 ms

2 in good standing. There are other factors and one
3 is that he has worked exclusively in the field and
4 not in the shop.

5 THE ADMINISTRATOR: Mr. Bogen, I am not
6 going to permit you to pursue that.

7 MR. BOGEN: Cut me off.

8 THE ADMINISTRATOR: I am going to.

9 I make the finding that Mr. Saunders has
10 presented a sufficient background to meet the pre
11 sumption and that you have presented nothing to
12 rebut that presumption.

13 Mr. Saunders is qualified to sit on the
14 Board. I am terminating these proceedings. If
15 you wish to appeal my decision to the judge, you have
16 ten days from the time that the record is prepared
17 in this matter to appeal my decision to the judge.

18 MR. BOGEN: I have no objection to your
19 ruling and closing and cutting me off. I have very
20 serious objections to your setting artificial and
21 arbitrary time schedules with respect to my right to
22 appeal.

23 I think we are in a framework that puts
24 an undue burden unnecessarily on me. At this point
25 I do not know whether we will appeal or not.

Local 28's Ex. A Exhibit A

3/5/76

8100

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SOL BOGEN

ATTORNEY AT LAW

PENNSYLVANIA 6-7570

(AREA CODE 212)

ONE PENN PLAZA, NEW YORK, N. Y. 10001

March 2, 1976

David A. Raff, Esq.
49-51 Chambers Street - Room 220
New York, N. Y. 10007

Re: EEOC and City of New York

vs.

Local 638 . . . Local 28, etc., et al
71 Civ. 2877 (HFW)

Dear Mr. Raff:

This is an application on behalf of Local 28 for a formal hearing to determine whether the two members (Charles Saunders and William Gonzales) of the Examining Board proposed, respectively, by the Plaintiffs and the Administrator are qualified to be members of the Board or should be removed.

Based upon the resumes submitted on February 24, 1976 on behalf of Messrs. Saunders and Gonzales and the information that could be developed therefrom, it appears that neither designee may be qualified or sufficiently qualified by education, training or employment for such positions.

It is respectfully requested that the hearing be held as soon as possible and that Messrs. Saunders and Gonzales be present for examination and be afforded an opportunity to submit additional information or material.

Very truly yours,

SOL BOGEN

D. Adams, Esq.
Sawyer, Esq.
Esq.

Synopsis of Resume of
William Gonzalez

EXHIBIT B
3/5/76
188J

3765 18th Avenue
Phone: 435-5184

J O B O B J E C T I V E
Member of Board of Examiners

E M P L O Y M E N T

1973 - Present	Town Sheetmetal Works Inc. 246 Broadway Garden City Park, New York 11040 Working Sheetmetal Foreman
1969 - 1973	National Sheetmetal Works 284 Siegal St. Brooklyn, New York 11206
1965 - 1969	Boston Shoes Inc. 133 Nassau St. New York, New York Shoe Salesmen In charge of sales and salesmen

E D U C A T I O N

HIGH SCHOOL	Washington Irving High School (Evening High School)
OTHER	Completed a four year term in Sheetmetal as an Apprentice, completed a course in Sheetmetal Cutting and Layout with Union Local #28 Evening Journeyman Training Program. Completed a course in Business Management Training Program. Taking a course in Sheetmetal Drafting and Design with Union Local #28 Evening Journeyman Training Program. Continuous self-study in construction procedures, (Builder Journals, etc.)

P E R S O N A L

BORN	11/17/45, San Juan, Puerto Rico
APPEARANCE	Height 5'11½", Weight 160 lbs.
MARITAL STATUS	Married, Pat Evers
HEALTH	Good, No Physical Limitations
FINANCES	Good Order
RESIDENCE	Rent
HOBBIES	Art, Drawing and Oils, Ice Skating

EMPLOYMENT

1973 - Present

Mario Feriello, Town Sheetmetal Works, Inc.

I was employed as a sheetmetal worker in 1973, and by the end of 1974 I had been given some supervisory responsibility. As a result of efficient discharge of duties, I was promoted to foreman. This involved technical briefings with management, engineers and representatives from other crafts regarding the progress of the work and craft responsibilities. I selected my sheetmetal workers and was completely responsible for the layout of the entire operation from start to finish. Frequently, I had to make changes on the blueprints and order new pieces from the shop. I'm accustomed to directing personnel. I'm able to get maximum effort from the workers under my supervision.

1969 - 1973

National Sheetmetal Works

I served my apprenticeship with this shop, and although apprentices have few responsibilities, I fulfilled all duties related to my apprenticeship. As a result of my good record, I was given an award for outstanding achievement in developing my skill as a sheetmetal worker.

1965 - 1969

Joe Mizarchi, Boston Shoes, Inc.

I started as a part-time stock boy while in high school after which I was put on full time as a salesman. After a few years, I was put in charge of sales and sales personnel. I had the responsibility of pushing the old styles and bring on the new ones. I also was responsible in seeing that other employees did the same. I made a reasonable income. I terminated my employment with this firm to work in the sheetmetal trade.

REFERENCES WILL BE PROVIDED ON REQUEST.

EMPLOYER'S REPORT ON CONTRIBUTIONS

(Read Instructions Carefully)

SHEET METAL WORKERS (LOCAL UNION NO. 22) WELFARE FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

- | | | |
|--|--|----|
| 1. Total Wages reported under Item 23 | | \$ |
| 2. Total of paid hours _____ 05c
(Reported under Item 24) | | \$ |
| 3. Total Wages subject to Contribution Item 1 plus Item 2. | | \$ |
| 4. Employer's Contribution, 3% of Item 3. | | \$ |
| 5. Total of paid hours _____ 25c
(Same hours as Item 2) | | \$ |
| 6. Adjustments—(Must be explained. See Instructions) | | \$ |
| 7. Total or Remittance | | \$ |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number.

TOWN SHEET METAL WORKS, INC. #1037
246 BROADWAY
GARDEN CITY PARK, NY 11040

11-2287749

11. Employer's Contribution 3% of Item 3 \$ _____
12. Total of paid hours _____ x 25c \$ _____
(Same hours as Item 2)
13. Adjustments—(Must be explained. See Instructions) \$ _____
14. Total or Remittance \$ _____

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 78) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's Contribution 3% of Item 3 \$
16. Total of paid hours \times 05c \$
(Same hours as Item 2)
17. Adjustments—(Must be explained. See Instructions)
- 17a. Adjustments, breakage between total of Item 15 and 16 and total of Item 25.
18. Total or remittance must agree with total of Item 25. \$

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

SIGNATURE _____

Top 1

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of _____

20. LAST PAYROLL DATE WITHIN MONTH

[illegible]

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month.

- If yes, attach details.

If there is not enough space to list all the numbers above, the contributions sheet (Form 101), each sheet must show year number beginning with page #2. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

10-6-73-L-8

Exhibit C

EMPLOYER'S REPORT OF CONTRIBUTION

Read Instructions Carefully

ROBERT METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

SHEET METAL WORKERS (LOCAL UNION NO. 38) PENSION FUND

1. Total Wages reported under item 2a 1
2. Total of paid hours 1 **05c**
(Reported under item 2a)
3. Total Wages subject to Contribution item 1 plus item 2.
4. Employer's Contribution, 3% of item 3.
5. Total of paid hours 2 **25c**
(Same hours as item 2)
6. Adjustments—(Must be explained. See Instructions)
7. Total or Remittance

Draw a separate check for this amount payable to
SHUKET MITAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

4. Employer's Name, Address and Identification Number.

TOWN SHEET METAL WORKS, INC. #1037
246 BROADWAY
GARDEN CITY PARK, NY 11040

11-2287799

- | | | |
|--|----|-------|
| 11. Employer's Contribution 3% of Item 3. | \$ | 10.11 |
| 12. Total of paid hours $\frac{3}{4} \times 25c$
(Same hours as item 2) | \$ | 1.88 |
| 13. Adjustments—(Must be explained. See Instructions) | \$ | |
| 14. Total or Remittance | \$ | 16.11 |

1888

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

- | | |
|--|------------------|
| 15. Employer's Contribution 3% of Item 3 | \$ <u>7.75</u> |
| 16. Total of paid hours <u>34 1/2</u> <u>05c</u> | \$ <u>145.25</u> |
| (Same hours as Item 2) | |
| 17. Adjustments—(Must be explained. See instructions) | \$ <u>- 01</u> |
| 17a. Adjustments, breakage between total of Item 15 and 16 and total of Item 23. | \$ <u>00.00</u> |
| 18. Total or remittance must agree with total of Item 25 | \$ <u>152.00</u> |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

Signature: Nelson Wilson
Title: Blended Date: 9/4/73

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of AUG 1973 20. LAST PAYROLL DATE WITHIN MONTH

[illegible]

27. Has a change of Ownership, or other Transfer of the Business taken place during the month _____ If yes, attach details.

If there is not enough space to list all Employees above, use continuation sheet (Form 10). Each such sheet must show page number beginning with page 20. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

EMPLOYER'S REPORT OF CONTRIBUTION

(Read Instructions Carefully)

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

1. Total Wages reported under Item 23 1978.31
2. Total of paid hours 172 05c
(Reported under Item 24)
3. Total Wages subject to Contribution Item 1 plus Item 2 1978.31
4. Employer's Contribution, 3% of Item 3 26c
5. Total of paid hours 172 21c
(Same hours as Item 2)
6. Adjustments—(Must be explained. See Instructions) 106.44
7. Total or Remittance 106.44

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number.

11-2287744
TOWN SHEET METAL WORKS, INC. #1087
246 BROADWAY
GARDEN CITY PARK, NY 11040

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS 1

10. I certify that the information contained in this report and the attached schedule is true and correct; that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28 SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of OCT 197320. LAST PAYROLL DATE WITHIN MONTH 10/30/73

Employee's Social Security Account Number (21)	Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Omit Fractions) (24)	Vacation Wages (See Instructions) (25)
087 40 8329	Alfred Belluzzi	76.04	7 (0.87)	3.65
128 34 1811	William Bongalis	144.57	71 (1.87)	50.28
088 05 6860	Joseph Priore	152.18	14 (0.87)	5.88
073 36 3506	Russell Macrina	152.18	14 (1.08)	5.88
114 32 9278	Fred Martin	152.18	14 (1.08)	5.88

plus 1.55- difference in vacation calculation
minus 5.61- adjustment per phone
conversation with Local office 10/15/73

POSTED

24. TOTALS FOR THIS PAGE

WELFARE FUND
VACATION PLAN27. Has a change of Ownership, or other Transfer of the Business taken place during the month NO If yes, attach details

If there is not enough space to list all Employees please use continuation sheet (Form 110). Each such sheet must show same number beginning with here. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

Sheet Metal Workers (Local Union No. 28) Welfare Fund

1. Total Wages reported under item 23	\$ 1726.60
2. Total of paid hours <u>170</u> x <u>05c</u>	\$ 8.50
(Reported under item 24)	
3. Total Wages subject to Contribution item 1 plus item 2	\$ 1735.10
4. Employer's Contribution, 3% of item 3 <u>26c</u>	\$ 58.77
5. Total of paid hours <u>170</u> <u>3251</u>	\$ 46.80
(Same hours as item 2)	
6. Adjustments—(Must be explained. See Instructions)	\$ -
7. Total of Remittance	\$ 105.77

Draw a separate check for this amount payable to
BRIKET METAL WORKERS (LOCAL UNION No. 15) WELFARE FUND

TOWN CHIEF METAL WORKS, INC. #1087
246 BROADWAY
GARDEN CITY PARK, NY 11040

11-2287744

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS 2

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Street Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions, Item No. 20)

19. Report for Month of.

20. LAST PAYROLL DATE WITHIN MONTH

Employee's Social Security
Account Number
(21)

173
Name of Employee
(Type or Print)
(22)

Base Wages Paid
(Exclude Vacation Wages)
(23)

Total Number of
Paid Work Hours
(Omit fractional)
(24)

Vacation Wages
(See Instructions)
(25)

087	42	8379	Gido Belluzzi	104.3	53	(10.87)	36	29
128	34	1811	William Gonzales	91.3	08	84	31	75
						(10.87)		

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month _____ If yes, attach details

11. If there is not enough space to list all employees above, use continuation sheet (Form 10). Each club sheet must show page number and page with page 29.

THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

EMPLOYER'S REPORT OF CONTRIBUTION

(Read Instructions Carefully)

(Revised 1-1-69)
SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

- | | |
|---|----------------|
| 1. Total Wages reported under item 23 | \$ 2021.82 |
| 2. Total of paid hours <u>146</u> <u>05c</u> | \$ <u>430</u> |
| (Reported under item 24) | |
| 3. Total Wages subject to Contribution item 1 plus item 2 | \$ 2031.12 |
| 4. Employer's Contribution, 3% of item 3 | \$ 60.94 |
| 5. Total of paid hours <u>146</u> <u>75c</u> | \$ <u>4836</u> |
| (Same hours as item 2) | |
| 6. Adjustments—(Must be explained. See Instructions) | \$ |
| 7. Total or Remittance | \$ 104.30 |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 18) WELFARE FUND

Employer's Name, Address and Identification Number.

TOEN SHEET METAL WORKS, INC. #1087
246 BROADWAY
GARDEN CITY PARK, NY 11040

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of Item 3. 79c \$ 6044
12. Total of paid hours 116 x 252 \$ 10474
(Same hours as Item 2)
13. Adjustments—(Must be explained. See instructions) :
14. Total of Remittance \$ 12068

Draw a separate check for this amount payable to
BHEENT METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

- | | | |
|--|----|-------|
| 15. Employer's Contribution 3% of Item 3 | \$ | 69.44 |
| 16. Total of paid hours <u>142</u> 05c
(Same hours as Item 2) | \$ | 7.30 |
| 17. Adjustments—(Must be explained. See Instructions) | \$ | |
| 18. Adjustments, increase between total of Item 15 and 16 and total of Item 23 | \$ | + .06 |
| 19. Total or remittance must agree with total of Item 25. | \$ | 76.30 |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 78) VACATION PLAN

Signature: Merran Wallace

Title: Bookkeeper Date: 1/2/19

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of 11/11 1973 20. LAST PAYROLL DATE WITHIN MONTH 12/31/73

Employee's Social Security Account Number (21)		Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (omit fractions) (24)	Vacation Wages (See instructions) (25)
087	40	8379 ALDO BELLUZZI	652	20	60
128	34	1811 WILLIAM GONZALEZ	1369	62	126
			(10.87)	✓	

26. TOTALS FOR THIS PAGE.

27. Was a change of Ownership, or other Transfer of the Business taken place during the month _____ If yes, attach details

If there is not enough space to list all employees above, use continuation sheet (Form 10). Each such sheet must show page number beginning with page 2. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

- | | | |
|---|-----|----------|
| 11. Employer's Contribution 3% of Item 3. | 59c | \$ 39.72 |
| 12. Total of paid bonds | 218 | \$ 62.62 |
| (Same bonds as Item 4) | | |
| 13. Adjustments—(Must be explained. See instructions) | | |
| 14. Total or Remittance | | 109.34 |

Draw a separate check for this amount payable to
SUBJECT METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number.

TOWN SHED METAL WORKS, INC. #1087
246 BROADWAY
GARDEN CITY PARK, NY 11040

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 281) VACATION PLAN

- | | |
|--|----------|
| 15. Employer's Contribution 3% of Item 3 | \$ 39.72 |
| 16. Total of paid hours <u>118</u> = 05c
(Same hours as Item 2) | \$ 5.90 |
| 17. Adjustments—(Must be explained. See Instructions) | \$ +.05 |
| 17a. Adjustments, breakage between total of Item 15 and 16 and total of Item 2b. | \$ |
| 18. Total of remittance must agree with total of Item 25. | \$ 45.67 |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

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Signature: Barbara Wood

Bookkeeper 2/1/74

19. Report for Month of JAN 1974 20. LAST PAYROLL DATE WITHIN MONTH Jan. 30, 1974

27. Has a change of Ownership, or other Transfer of the Business taken place during the month NO If yes, attach details

If there is not enough space in list all Employees above, use continuation sheet (Form 18). Each such sheet must show page number beginning with this form must be mailed to the OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH ABOVE.

1. *Med. Insects* 1: no. 4 (1942)

SMITH METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

- | | |
|--|-----------|
| 1. Total Wages reported under Item 1 | \$ 12,630 |
| 2. Total of paid hours <u>124</u> 05c
(Reported under Item 2) | \$ 5,440 |
| 3. Total Wages subject to Contribution Item 1 plus Item 2 | \$ 18,070 |
| 4. Employer's Contribution, 3% of Item 3 | \$ 542.10 |
| 5. Total of paid hours <u>124</u> x <u>25c</u>
(Same hours as Item 2) | \$ 31,000 |
| 6. Adjustments—(Must be explained. See Instructions) | \$ |
| 7. Total or Remittance | \$ 6443 |

- | | | |
|---|-----|-----------|
| 11. Employer's Contribution 3% of item 3. | 57c | \$ 12.23 |
| 12. Total of paid hours. | 24 | \$ 63.71 |
| (Same hours as item 2) | | |
| 13. Adjustments - (Must be explained. See instructions) | | \$ |
| 14. Total or Remittance | | \$ 100.07 |

1894

Draw a separate check for this amount payable to
BISSET METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number.

TOWN STREET BATHING BEACHES INC.

93-11-11 11-2287749

[illegible]

THIS COPY TO BE
RETAINED BY EMPLOYER

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS 1

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

- | | | |
|--|----|--------|
| 15. Employer's contribution (See Item 3) | \$ | 363.50 |
| 16. Total of paid hours (See Item 2) 05c | \$ | 5.40 |
| (Same hours as Item 2) | | |
| 17. Adjustment (Must be explained. See instructions) | \$ | 2.50 |
| 17a. Adjustment, difference between total of Item 15 and 16 and total of Item 45 | \$ | |
| 18. Total of remainder must agree with total of Item 25 | \$ | 41.90 |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

Signature Marcia Woods

Blue pen

Date 3/2/4

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of February 1974 20. LAST PAYROLL DATE WITHIN MONTH 2/26/74

[illegible]

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month NO If yes, attach details (yes or no)

If there is not enough space to list all Employees above, use continuation sheet (Form 1B). Each sheet must show page number beginning with page 22.

11. Employer's Contribution 3% of Item 3.	59c	\$	2827
12. Total of paid hours.	87	\$	482
(Same hours as Item 2)			
13. Adjustments - (Must be explained. See instructions.)		\$	
14. Total of Remittance		\$	7725

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's contribution 3% of Item 3	\$	2.50
16. Total of paid bonus <u>5</u> 05c (Same bonus as Item 2)	\$	2.50
17. Adjustments—(Must be explained. See instructions)	\$	
17a. Adjustments—breakdown between total of Item 15 and total of Item 16	\$	4.00
18. Total or remittance must agree with total of Item 25	\$	3.25

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

Signature Marian Wood
 Title Editor Date 6/1/74

19. Report for Month of MAR 1974 20. LAST PAYROLL DATE WITHIN MONTH 3/26/74

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month..... If yes, attach details

IF THERE IS NOT ENOUGH SPACE TO LIST ALL CONTRIBUTORS ABOVE, A CONTINUATION SHEET (FORM 112) MUST BE SUBMITTED WITH THIS FORM. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN OR OF THE TENTH DAY OF THE MONTH FOLLOWING THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH ABOVE.

APPENDIX 2: PARTIAL C. COMMUNICATION

(Land Intro: no labels)

Sheet Metal Workers (Local Union No. 28) Welfare Fund

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

- | | | | |
|---|---------|----|---------|
| 1. Total Wages reported under item 23 | 1173.38 | \$ | 1173.38 |
| 2. Total of paid hours <u>114</u> x OSc | 570 | \$ | 570 |
| (Reported under item 24) | | | |
| 3. Total Wages subject to Contribution item 1 plus item 2 | 1279.68 | \$ | 1279.68 |
| 4. Employer's Contribution, 3% of item 3 | 38.39 | \$ | 38.39 |
| 5. Total of paid hours <u>114</u> x OSc | 2964 | \$ | 2964 |
| (Same hours as item 2) | | | |
| 6. Adjustments—(Must be explained. See Instructions) | | \$ | |
| 7. Total or Remittance | 6801 | \$ | 6801 |

Draw a separate check for this amount payable to
BILKET METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

4. Employer's Name, Address and Identification Number.

TOWN SHEET METAL WORKS, INC. #1037
246 BROADWAY
GARDEN CITY PARK, NY 11040

- | | | |
|---|-----|-----------|
| 11. Employer's Contribution 3% of Item 3 | 56c | \$ 38.27 |
| 12. Total of paid hours | 115 | \$ 67.24 |
| (Same hours as Item 2) | | |
| 13. Adjustments—(Must be explained. See Instructions) | | \$ -07 |
| 14. Total or Remittance | | \$ 145.36 |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

- | | | | |
|------|---|----|------|
| 15. | Employer's Contribution 3% of Item 3 | \$ | 4.37 |
| 16. | Total of paid hours <u>114</u> → 05c
(Same hours as Item 2) | \$ | 5.70 |
| 17. | Adjustments—(Must be explained. See Instructions) | \$ | |
| 17a. | Adjustments, increase between total of Item 15 and total of Item 23 | \$ | 1.63 |
| 18. | Total of remittance must agree with total of Item 16 | \$ | 7.33 |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

Signature: Mariaa Woods
 Title: Biller Date: 5/10/24

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28 SHEET METAL WORKERS AND APPRENTICES

(See Instructions, Item No. 20)

19. Report for Month of May 1974 20. LAST PAYROLL DATE WITHIN MONTH

Employee's Social Security Account Number (21)	Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Limit 174 hours) (24)	Vacation Wages (See instructions) (25)
128 34 1811	William Gonzalez	1273 38	114	24 12
		(11.1666) -		

POSTED
JAN 20 1971
LOCAL UNION NO. 201
MEDICAL FUND
DUES FUND
VACATION FUND

[illegible]

24. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month

YAN ET AL.

11 see attach details

If there is not enough space to list all employees above, use continuation sheet (Form 1042-EN). Each such sheet must show the same information as this page. This form must be mailed to the OFFICE OF THE FUNDS AND PLAN OR, BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH.

(Revised 11-68)
SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

- | | | |
|--|--|------------|
| 1. Total Wages reported under Item 23 | | \$ 1474.44 |
| 2. Total of paid hours <u>132</u> = 05c | | \$ 6.60 |
| (Reported under Item 24) | | |
| 3. Total Wages subject to Contribution Item 1 plus Item 2. | | 1481.04 |
| 4. Employer's Contribution, 3% of Item 3. | | \$ 44.43 |
| 5. Total of paid hours <u>132</u> = 26c | | \$ 34.32 |
| (Same hours as Item 2) | | |
| 6. Adjustments—(Must be explained. See Instructions) | | \$ |
| 7. Total or Remittance | | \$ 78.75 |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

4. Employer's Name, Address and Identification Number.

11-2287749

TOWN SHEET METAL WORKS INC.

246 BRONOWAY

GARDEN CITY PARK, N.Y. 11940

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

- | | |
|---|-----------|
| 11. Employer's Contribution 3% of Item 3. | \$ 44.43 |
| 12. Total of paid hours 590
(Same hours as Item 2) | \$ 77.82 |
| 13. Adjustments—(Must be explained. See Instructions) | \$ |
| 14. Total of Remittances | \$ 122.31 |

1898

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 10) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's Contribution 1% of Item 3 \$ 44.42
16. Total of paid hours 132 x .05c \$ 6.60
- (Same hours as Item 2)
17. Adjustments---(Must be explained. See Instructions): p 15 + .05
- 17a. Adjustments, breakage between total of Item 16 p 25 + .60
and 16 and total of Item 25
18. Total or remittance must agree with total of Item 25: \$ 32.88

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

Signature: Town Sheet Metal Works Inc.

Title Bookkeeper Date 7/2/76

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 23
SHEET METAL WORKERS AND APPRENTICES

(See Instructions Page No. 20)

19. Report for Month of JUN 1974 20. LAST PAYROLL DATE WITHIN MONTH June 20, 1974

[illegible]

- Josa Padilla-Overpayment week of 6/11/74

Vacation shown as	46.44
Should be	4.64

Difference 41.80-Will be adjusted when back on
our payroll

26. TOTALS FOR THIS PAGE

1474	44	132	52	88
------	----	-----	----	----

27. Has a change of Ownership, or other Transfer of the Business taken place during the month.

YOUNG, R. L.

If you attach details

IF there is not enough space to list all employees above, use continuation sheet Form 101. Each sheet must show your number and name with date. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUND AND PLAN ON OR BEFORE THE TENTH (10th) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH.

EMPLOYER'S REPORT OF CONTRIBUTION

(Read Instructions Carefully)

HEMET METAL WORKERS (LOCAL UNION NO. 25) WELFARE FUND

1. Total Wages reported under item 23
2. Total of paid hours _____ x 05c
(Reported under item 24)
3. Total Wages subject to Contribution item 1 plus item 2
4. Employer's Contribution, 3% of item 3
5. Total of paid hours _____ x 26c
(Same hours as item 2)
6. Adjustments—(Must be explained. See instructions)
7. Total or Remittance

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 18) WELFARE FUND

8. Employer's Name, Address and Identification Number

TOWN SHEET METAL WORKS INC.
240 BROADWAY
GARDEN CITY PARK, N.Y. 11040

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS _____

10. I certify that the information contained in this report and the attached schedule is true and correct; that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of July 1974 20. LAST PAYROLL DATE WITHIN MONTH

[illegible]

26. TOTALS FOR THIS PAGE.

27. Has a change of Ownership, or other Transfer of the Business taken place during the month _____ If yes, attach details.

If there is not enough space to list all employees above, use continuation sheet (Form 10). Each such sheet must show each number listed on page 21 of this form. Must be mailed to the office of the funds and placed on or before the tenth (10th) day of the month following the 31st of the month which this report covers. This report must be submitted even though no wages have been paid following the date noted above.

Sheet Metal Workers (Local Union No. 28) Welfare Fund

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

1. Total Wages reported under Item 23 _____
2. Total of paid hours _____ 05c
(Reported under Item 24)
3. Total Wages subject to Contribution Item 1 plus Item 2 _____
4. Employer's Contribution, 3% of Item 3. _____
5. Total of paid hours _____ 26c
(Same hours as Item 2)
6. Adjustments—Must be explained. See Instructions) _____
7. Total or Remittance _____

Draw a separate check for this amount payable to
SUNBELT METAL WORKERS (LOCAL UNION No. 78) WELFARE FUND

8. Employer's Name, Address and Identification Number.

TOWN SHEET METAL WORKS INC.
246 BROADWAY
GARDEN CITY PARK, N.Y. 11040

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS _____

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Street Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions, Item No. 20)

19. Report for Month of August 1974 20. LAST PAYROLL DATE WITHIN MONTH

[illegible]

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month.

if you attack Croatia

If there is not enough space to list all Employees above, use continuation sheet (Form 10). Each such sheet must show your number beginning with your
THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE END
OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE M
NOTE ABOVE.

INVESTMENT METAL WORKERS (LOCAL UNION NO. 25) WELFARE FUND

- | | | | |
|---|-----------|-----|-------------------|
| 1. Total Wages reported under item 23 | <u>40</u> | 05c | \$ <u>1036.80</u> |
| 2. Total of paid hours
(Reported under item 24) | <u>40</u> | | \$ <u>4.50</u> |
| 3. Total Wages subject to Contribution item 1 plus item 2 | | | \$ <u>1041.30</u> |
| 4. Employer's Contribution, 3% of item 3 | | | \$ <u>31.24</u> |
| 5. Total of paid hours
(Name hours as item 2) | <u>40</u> | 26c | \$ <u>23.40</u> |
| 6. Adjustments—(Must be explained. See Instructions) | | | |
| 7. Total of Remittance | | | \$ <u>54.60</u> |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number.

11-2287749

TOWN STREET METAL WORKS INC.

GRADY, GUY. N.Y. 1940

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS 1

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of October 1976 20. LAST PAYROLL DATE WITHIN MONTH

[illegible]

27. Has a change of Ownership, or other Transfer of the Business taken place during the month..... If yes, attach details

If there is not enough space to list all employees above, the continuation sheet, Form 10, may also be used. Each employee must show his monthly earnings with the SSN. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN, ON OR BEFORE THE TENTH DAY OF THE MONTH FOLLOWING THE MONTH OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH.

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

- | | | | |
|--|-----|----|---------|
| 1. Total Wages reported under Item 23 | | \$ | 1244.16 |
| 2. Total of paid hours <u>108</u> | 05c | \$ | 5.40 |
| (Reported under item 24) | | | |
| 3. Total Wages subject to Contribution Item 1 plus item 2. | | \$ | 1249.56 |
| 4. Employer's Contribution, 3% of item 3. | | \$ | 37.49 |
| 5. Total of paid hours <u>108</u> | 26c | \$ | 28.08 |
| (Same hours as item 2) | | | |
| 6. Adjustments—(Must be explained. See Instructions) | | \$ | |
| 7. Total or Remittance | | \$ | 65.57 |

Draw a separate check for this amount payable to
SHEKAT METAL WORKERS (LOCAL UNION No. 18) WELFARE FUND

A. Employer's Name, Address and Identification Number.

11-2287749

TOWN SHEET METAL WORKS INC.

240 DECEMBER

GARDEN CITY PARK, N.Y. 11040

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS 1

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

19. Report for Month of November 1975 (See Instructions Item No. 25)
20. LAST PAYROLL DATE WITHIN MONTH 11/26/75

Employee's Social Security Account Number (21)			Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Omit Fractions) (24)	Vacation Wages (See Instructions) (25)
128	34	1811	William Gonzalez	1244. 16	108	42.88
					(41.52)	
<p>POSTED</p> <p>(LOCAL UNION NO. 26) WELFARE FUND PENSION FUND VACATION PLAN</p>						

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month.

17 If there is not enough space to list all items, use another sheet. You may use tape to attach sheets that show more than
18 this form must be mailed to the OFFICE OF THE PERSONNEL PLAN, ON OR BEFORE THE TENTH DAY OF THE
19 MONTH IN WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE
20 NOTED ABOVE.

Form 1 (Revised 1-1-65)

EMPLOYER'S REPORT ON CONTRIBUTION

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

1. Total Wages reported under item 21 \$ 5875.20

2. Total of paid hours 710 05c
(Reported under item 24)

3. Total Wages subject to Contribution item 1 plus item 2 \$ 7002.20

4. Employer's Contribution, 3% of item 3 \$ 210.07

5. Total of paid hours 710 26c
(Same hours as item 2)

6. Adjustments—(Must be explained. See instructions) \$ 3496.21

7. Total or Remittance \$ 3496.21

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of item 3 \$ 210.07

12. Total of paid hours 710 05c
(Same hours as item 2)

13. Adjustments—(Must be explained. See instructions) \$ 3496.21

14. Total or Remittance \$ 3496.21

1904

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number:

11-2287799

TOWN SHEET METAL WORKS INC.
246 BROADWAY
GARDEN CITY PARK, N.Y. 11040

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28 SHEET METAL WORKERS AND APPRENTICES

19. Report for Month of: December 1974 20. LAST PAYROLL DATE WITHIN MONTH 12/31/74

Employee's Social Security Account Number (21)	Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Omit overtime) (24)	Vacation Wages (See Instructions) (25)
074 40 9245	John Battista	1451.52	126	50.01
128 34 1811	William Gonzalez	1520.64	134	52.40
082 34 3122	Edward Madaffari	1451.52	126	50.01
103 38 8643	Charles Pattino ^{INTERIO}	1451.52	126	50.01

POSTED

LOCAL UNION NO. 28
WELFARE FUND
PENSION FUND
VACATION PLAN

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month?

If there is not enough space to list all employees, attach the continuation sheet (Form 1) and attach to this form. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN OR BEFORE THE TENTH (10th) DAY OF THE MONTH FOLLOWING THE END OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH ABOVE.

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

1. Total Wages reported under item 22 \$ 5251.50

2. Total of paid hours 450 05c \$ 22.50
(Reported under item 24)

3. Total Wages subject to Contribution Item 1 plus item 2 \$ 5274.00

4. Employer's Contribution, 3% of item 3 \$ 158.22

5. Total of paid hours 450 46c (207.5) \$ 252.00
(Same hours as item 2)

6. Adjustments—(Must be explained. See instructions) \$ 410.22

7. Total or Remittance \$

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number:
11-2267799

TOWN SHEET METAL WORKS INC.
203 WILSON
MILWAUKEE WIS. 53210

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS 1

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28 SHEET METAL WORKERS AND APPRENTICES

19. Report for Month of January, 1975 20. LAST PAYROLL DATE WITHIN MONTH 1/26/75
(See Instructions item No. 20)

Employee's Social Security Account Number (21)	Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Omit Fractional) (24)	Vacation Wages (See Instructions) (25)
074 40 9245	John Battista	1330 38	114 (11.67)	42 61
128 34 1811	William Gonzalez	1260 36	108 (11.67)	43 42
082 34 3122	Edward J. Madaffari	1330 38	114 (11.67)	45 83
103 38 8643	Charles Paterno	1330 38	114 (11.67)	45 83

...\$3.22 error on John Battista will be adjusted on his payroll in February and on the February report.

POSTED

LOCAL UNION NO. 28
WELFARE FUND
PENSION FUND
VACATION PLAN

26. TOTALS FOR THIS PAGE

5251 50 1 450 1 277 69

27. Has a change of Ownership, or other Transfer of the Business taken place during the month (1975 or 80) If yes, attach details

If there is not enough space to list all Employees above, use continuation sheet (Form 18). Each such sheet must show page number beginning with 1. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10th) DAY OF THE MONTH FOLLOWING THAT OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of item 3 \$ 158.22

12. Total of paid hours 450 59c \$ 205.50
(Same hours as item 2)

13. Adjustments—(Must be explained. See instructions) \$

14. Total or Remittance \$ 423.72

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's Contribution 3% of item 3 \$ 158.22

16. Total of paid hours 450 05c \$ 22.50
(Same hours as item 2)

17. Adjustments—(Must be explained. See instructions) \$ (3.22)

17a. Adjustments, breakage between total of item 15 and 16 and total of item 25 \$ 19

18. Total or remittance must agree with total of item 25 \$ 277.69

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

Signature Bookkeeper Date Jan. 30, 1975

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of Item 3.	\$	
12. Total of paid hours <u>354</u> 59c	\$	<u>208.86</u>
(Same hours as Item 2)		
13. Adjustments—(Must be explained. See instructions)	\$	
14. Total of Remittance	\$	<u>333.29</u>

1906

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 18) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

11-2287799
TOWN SHEET METAL WORKS INC.
213 E. 10TH
GARDEN CITY PARK, N.Y. 11530

15. Employer's Contribution 3% of Item 3	\$ 124.47
16. Total of paid hours _____ 056 (Same hours as Item 2)	\$ 77.70
17. Adjustments—(Must be explained. See instructions.) * See below	\$ 3.22
17a. Adjustments, Breakage between total of Item 15 and 16 and total of Item 25:	\$ 2.44
18. Total of reimburse must agree with total of Item 25:	\$ 105.53

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

Signature: Baron Woods

Title: Bookkeeper Date: 2/28/75

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

19. Report for Month of February, 1975 20. LAST PAYROLL DATE WITHIN MONTH 2/28/75 (See Instructions Form No. 20)

Employee's Social Security Account Number (21)			Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Omit Fractions) (24)	Vacation Wages (See Instructions) (25)
074	40	9245	John Battista	1050 30	(11.67) 90	39 40
128	34	1811	William Gonzalez	1050 30	(11.67) 90	36 18
082	34	3122	Edward J. Madaffari	980 28	(11.67) 84	33 77
103	38	8643	Charles Paterno	1050 30	(11.67) 90	36 18

* See January report re: explanation of difference amounting to \$3.22 on John Battista

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month

If there is not enough space to list all Fundations above, use continuation sheets. Form 101. Each sheet must show page number beginning with page of this form. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN COMMISSIONER THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE TENTH (10TH) MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO DATES HAVE BEEN PAID DURING THE MONTH ABOVE.

PROFUTERO REPORT TO CONGRESS

Read instructions carefully.

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

- | | | | |
|---|-----|-----|------------|
| 1. Total Wages reported under Item 1 | 258 | 05c | \$ 3010.86 |
| 2. Total of paid hours (Reported under Item 2) | | | \$ 12.90 |
| 3. Total Wages subject to Contribution Item 1 plus Item 2 | | | \$ 3023.76 |
| 4. Employer's Contribution, 3% of Item 3 | | | \$ 90.71 |
| 5. Total of paid hours (Same hours as Item 2) | 258 | 46c | \$ 118.68 |
| 6. Adjustments—(Must be explained. See Instructions) | | | \$ 209.39 |
| 7. Total or Renittance | | | \$ |

Draw a separate check for this amount payable to
SILVER METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number

11-2287799

TOWN SHEET METAL WORKS INC.

243 00000000

CARSON CITY, NEV. 10/10

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

- | | |
|---|-----------|
| 11. Employer's Contribution 3% of Item 3. | \$ 90.71 |
| 12. Total of paid bonds | \$ 590.22 |
| (Sum of items 11 and 12) | |
| 13. Adjustments—(Must be explained. See instructions) | \$ 0.00 |
| 14. Total of Retentions | \$ 0.00 |

1907

Draw a separate check for this amount payable to
BIERY METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

- | | |
|--|--------|
| 15. Employer's Contribution 3% of Item 3 | 90.71 |
| 16. Total of paid hours <u>258</u> x 05c
(Same hours as Item 2) | 12.90 |
| 17. Adjustments—(Must be explained. See Instructions) | |
| 17a. Adjustments, breakage between total of Item 15
and 16 and total of Item 23 | |
| 18. Total or remittance must agree with total of Item 23 | 103.72 |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

Signature _____

Бокксерен

3/28/75

Time

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions, Item No. 20)

19. Report for Month of March, 1975

20. LAST PAYROLL DATE WITHIN MONTH 3/25/75

[illegible]

26. TOTALS FOR THIS PAGE

3010.46

258

103 7

27. Has a change of Ownership, or other Transfer of the Business taken place during the month NO If yes, attach details (YES or NO)

If there is not enough space to list all Employees above, use continuation sheet (Form 18). Each such sheet must show page number beginning with page 2. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

Class Instructions Card #2

Form 1 (Revised 1-1-75)

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of Item 3.	\$ 32.84
12. Total of paid hours <u>590</u> (Same hours as Item 2)	\$ 590
13. Adjustments (Must be explained. See Instructions)	\$ 33.10
14. Total of Permittance	\$ 55.24

12 11 10 9 8 7 6 5 4 3 2 1
 84.74

1910

Draw a separate check for this amount payable to
BURET MENTAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

XXXXXXXXXXXX

232 JOURNAL OF ENVIRONMENT & DEVELOPMENT

GARDEN CITY PARK, N.Y. 11040

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CON.

CONTINUATION SHEETS

10. I certify that the information contained in this report and the attached schedule is true and correct; that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

Signature _____

Tab. 190

Date 6/24/20

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of.

20. LAST PAYROLL DATE WITHIN MONTH

[illegible]

24. TOTALS FOR THIS PAGE

27. Give a chance of conversion, so that Transfer of the Business would not bring the same.

17. This form must be mailed to the Office of the Inspector General before the tenth day of the next month following the month in which this report covers. This report must be submitted even though no wages were paid during the month covered above.

1. There is not enough space to list all Employees above, use continuation sheet (Form 31). Each such sheet must show page number, begin with THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN FOR HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

EMPLOYER'S REPORT OF CONTRIBUTION

To be filed with Reconciliation Form 1C

(Read Instructions Carefully)

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND		SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND	
1. Total Wages reported under Item 1)	\$ 3676.05	1. Employer's Contribution 3% of Item 1)	\$ 110.75
2. Total of paid hours 315	\$ 152.50	2. Total of paid hours 315	\$ 152.50
(Reported under Item 24) * .05c		(Same hours as Item 2) * 59c	
3. Total Wages subject to Contribution Item 1 plus Item 2.	\$ 3691.50	3. Adjustments—(Must be explained. See Instructions)	\$ +.13
4. Employer's Contribution, 3% of Item 3.	\$ 110.75	4. Total	\$ 246.23
5. Total of paid hours 315	\$ 239.46		
(Same hours as Item 2) * .76c			
6. Adjustments—(Must be explained. See Instructions)	\$ +.14		
7. Total	\$ 350.60		

CONTINUED ON MONTHLY RECONCILIATION FORM IC

8. Employer's Name, Address and Identification Number:

11-22-27744

TOWN SHEET METAL WORKS INC.
245 Broadway
Garden City Park, N. Y. 11010

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS

10. I certify that the information contained in this report and the attached schedule is true and correct; that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

CONTINUED ON MONTHLY RECONCILIATION FORM 1C

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION FUND

15. Employer's Contribution 3% of Item 3 \$ 110.75

16. Total of paid hours 315 x .05c 15.75

(Same hours as Item 2)

17. Adjustments—(Must be explained. See instructions) \$

18. Adjustments, breakage between total of Item 15 and 16 and total of Item 25 \$ +.12

19. Total must agree with total of Item 25 \$ 126.62

CONTINUED ON MONTHLY RECONCILIATION FORM 1C

Authorized Signature: Marion Woods

Title: Bookkeeper Date

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

19. REPORT FOR MONTH OF <u>September 1975</u>				20. LAST PAYROLL DATE WITHIN MONTH <u>9/30/75</u>		
Employee's Social Security Account Number (21)			Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (incl. Fractions) (24)	Vacation Wages (See Instructions) (25)
128	34	1811	William Gonzalez	1960 56	168	(11.67) 67 53
114	40	3448	Jose F. Lorenzi	1715 49	147	(11.67) 59 09
<p>RECEIVED</p> <p>OCT 1 1975</p> <p>(LOCAL UNION NO. 28) WELFARE FUND PENSION FUND VACATION PLAN SUD FUND</p> <p>POSTED</p> <p>DEC 2 1975</p> <p>(LOCAL UNION NO. 28) WELFARE FUND PENSION FUND VACATION PLAN SUD FUND</p>						
26. TOTALS FOR THIS PAGE				3176 05	315	126 1

27. Has a change of Ownership, or other Transfer of the Business taken place during the month no If yes, attach (see p. 10)

If there is not enough space to list all Employees above, use continuation sheet (Form 1B). Each such sheet must show page number. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10th) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED BY AN INDIVIDUAL WHO HAS HAD ALL TAXES DEDUCTIBLE FROM THE MONTH NOTED ABOVE.

EMPLOYER'S REPORT OF CONTRIBUTION

To be filed with Reconciliation Form 1C

(Read Instructions Carefully)

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

- | | | |
|--|------------------|------------|
| 1. Total Wages reported under Item 2) | | \$ 3107.23 |
| 2. Total of paid hours <u>266</u> | | \$ 1230 |
| (Reported under Item 24) | .05c | |
| 3. Total Wages subject to Contribution Item 1 plus Item 2. | | \$ 3117.53 |
| 4. Employer's Contribution, 3% of Item 3. | | \$ 4353 |
| 5. Total of paid hours <u>266</u> | | \$ 202.6 |
| (Same hours as Item 2) | .76c | |
| 6. Adjustments—(Must be explained. See instructions) | <i>unapplied</i> | \$ +.04 |
| 7. Total | | \$ 295.70 |

CONTINUED ON MONTHLY RECONCILIATION FORM 1C

8. Employer's Name, Address and Identification Number.

TOWN SHEET METAL WORKS INC.

243 Broadway

Carden City Park, N. Y. 11918

11-22 27749

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

- | | | |
|---|----|--------|
| 11. Employer's Contribution 3% of Item 3 | \$ | 93.53 |
| 12. Total paid hours
(Same hours as Item 2) | \$ | 156.94 |
| 13. Adjustments—(Must be explained. See instructions) | \$ | + 1.09 |
| 14. Total | \$ | 250.56 |

1915

CONTINUED ON MONTHLY RECONCILIATION FORM IC

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION FUND

- | | | |
|---|----|--------|
| 15. Employer's Contribution: 3% of Item 3 | \$ | 93.53 |
| 16. Total of paid hours: 266 (Same hours as Item 2) | \$ | 1330 |
| 17. Adjustments—(Must be explained: See instructions) | \$ | .05c |
| 17a. Adjustments, breakage between total of Item 15 and 16 and total of Item 25 | \$ | + .09 |
| 18. Total must agree with total of Item 25. | \$ | 106.92 |

CONTINUED ON MONTHLY RECONCILIATION FORM 1C

Authorized Signature: Marian Woods
Title: Bookkeeper Date: 10-6-92

**SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES**

19. REPORT FOR MONTH OF

November 1970.

(See Instructions Item No. 20)

LAST PAYROLL DATE WITHIN MONTH 1/28/75

Employee's Social Security Account Number (21)			Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Incl. fractions) (24)	Vacation Wages (See Instructions) (25)
128	36	1811	William Smyley	1552	11	133 (14.67) 53 46
114	40	3448	Jose F. Lorenzini	1552	11	133 (14.67) 53 46
<p>RECEIVED</p> <p>DEC 8 1970</p> <p>(LOCAL UNION NO. 20) WELFARE FUND PENSION FUND VACATION PLAN SIC FUND</p> <p>POSTED</p> <p>JAN 28 1971</p> <p>(LOCAL UNION NO. 20) WELFARE FUND PENSION FUND VACATION PLAN SIC FUND</p>						

~~RECEIVED~~

DEC 8 1975

(LOCAL UNION NO. 23)
WELFARE FUND
PENSION FUND
VALENTIN PLAN
• 330 FUND

POSTED

JAN 28 1970

LOCAL UNION NO 28
WELFARE FUND
PENSION FUND
VACATION PLAN
SUB FUND

26. TOTALS FOR THIS PAGE

3104 22 2661, 1069.

27. Has a change of Ownership, or other Transfer of the Business taken place during the month

no If yes, attach 3
(yes or no)

THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10th) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN IF NO PAYMENTS HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

EMPLOYER'S REPORT OF CONTRIBUTION

To be filed with Reconciliation Form: iC

(Read Instructions Carefully.)

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND	
1. Total Wages reported under Item 2)	\$ 1225.25
2. Total of paid hours <u>105</u> (Reported under Item 24) .05c	\$ 5.25
3. Total Wages subject to Contribution Item 1 plus Item 2.	\$ 1230.50
4. Employer's Contribution, 3% of Item 3).	\$ 36.92
5. Total of paid hours <u>Breakage</u> (Same hours as Item 2) .76c	\$ 78.60
6. Adjustments (Must be explained. See Instructions)	+ 0.00
7. Total	\$ 116.76

SHEET METAL WORKERS (LOCAL UNION NO. 28, PENSION FUND)

1. Employer's Contribution 3% of Item 3	\$	36.72
2. Total of paid hours (Same hours as Item 2)	\$	61.15
3. <i>Breakage</i> Must be explained. See Instructions;	\$	+ 00
4. Total	\$	98.77

1916

CONTINUED ON MONTHLY RECONCILIATION FORM 1C

8. Employer's Name, Address and Identification Number.

TOWN SHEET METAL WORKS INC.

Carroll County, Maryland

Carlyon Street

11-2287744

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS 2

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

CONTINUED ON MONTHLY RECONCILIATION FORM 10

SHEET METAL WORKERS (LOCAL UNION NO. 28, VACATION FUND)

15. Employer's Contribution 3% of Item 3	\$	36.92
16. Total of paid hours 105.8	\$	5.05
(Same hours as Item 2)		05c
17. Adjustments-- (Must be explained. See instructions)	\$	
17a. Adjustments, breakage between total of Item 15	\$	+ 0.4
and 16 and total of Item 25		
18. Total must agree with total of Item 25	\$	42.37

CONTINUED ON MONTHLY RECONCILIATION FORM 10

Authorized Signature: Marian Woods

Title: Goodwill Date: 12/30/71

**SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES**

19. REPORT FOR MONTH OF December 1975 20. LAST PAYROLL DATE WITHIN MONTH 12/26/75

Employee's Social Security Account Number (21)			Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (incl. fractions) (24)	Vacation Wages (See instructions) (25)
128	34	1811	William Gonzalez	653	42 (11.67)	56
114	46	3448	Jose F. Lorenzo	571	83 (11.67)	49

RECEIVED

JAN 15 1975

LOCAL UNION NO. 28
WELFARE FUND
PENSION FUND
VACATION PLAN
SUB FUND

POSTED

FEB 25 1975

(LOCAL UNION NO. 28)
WELFARE FUND
PENSION FUND
VACATION PLAN
SUB FUND

RECEIVED

11715-22

LOCAL 1101 12 52
CALIFORNIA
PENSION FUND
VACATION PLAN

POSTED

FEB 25 1975

(LOCAL UNION NO 28)
WELFARE FUND
PENSION FUND
VACATION PLAN
SUB FUND

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership or other Transfer of the Business taken place during the month

(yes or no)

if yes attach:

If there is not enough space to list all Employees above, use continuation sheet (Form 10). Each sheet must show page number. At the bottom of the last sheet, indicate the number of continuation sheets used. **THIS FORM MUST BE MAILED TO THE CHIEF OF THE BUREAU AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN IF NO PAY HAS BEEN PAID DURING THE MONTH NOTED ABOVE.**

3/5/76

RTM

1917

Exhibit D

Charlie Saunders
1745 7th Ave
New York, N.Y. 10020

Age 29

Objectives : To work in the Sheetmetal trade to promote working relationship among workers and to improve the standing of workers in general

Experience :

1/74 - present
Co-owner of Black Iron Sheet Metal Corp. Inc.

10/73 - 12/73
Field Superintendent for Key Delta Corp.

9/71 - 10/73
Shop Steward for Local Union #28 and Federal Sheet Metal at State Office Bldg, Harlem, N.Y.

9/70 - 9/71
Foreman for Brandt Corp.

12/68 - 9/70
Deputy Foreman for ABT Corp. (Alpine, Brooke, Triangle) at World Trade Center

11/65 - 6/68
Apprentice for Alpine Sheet Metal Works Inc.

Education :

Graduate : Charles Evans Hughes High School

Attended : Bronx Community College

Graduate : Sheet Metal Apprenticeship School

35117

Exhibit E (rejected)

Helene

Session

Vacation

S. u. B. Plus

July 75

8/22

2353

1987

844

420

Sept 75

10/11

3890

3297

1407

700

10/24

2335

1978

844

420

LOCAL 28's Ex F (REJECTED)
3/5/76
RJM

1919

BLACK IRON SHEET METAL
WORKS, INC.

c/o R.T.P.

162 5th Avenue, New York City 10010

(212) 691-0660

October 1, 1975

Sheet Metal Workers
(Local Union #28) Sub Plan
1790 Broadway,
New York, New York 10019

Attention: Mr. William Greenberg

Dear Sir:

Thank you for your letter of September 25, 1975,
regarding contributions to the welfare pension and vacation
funds of Local Union #28.

According to your letter, you stated that we have not
made payments for 7/18, 7/25, 8/1, 8/8, 8/22, 8/29, 9/5,
9/15 and 9/12, and you are correct. Throughout this
entire period we have received one job : Cannanan House,
118th Street and Fifth Avenue. Three days were spent in
sketching this job and no prints have been returned for
approval of fabrication. Therefore we don't owe any con-
tributions!

However, if we are going to file weekly reports, we
request that some should be sent to us.

If there is any other way we can be of service to you
in this or any other related matter please do not hesitate
to write or call.

Sincerely,

Charlie Saunders

Charlie Saunders
Director

CS/pw

cc: Ed Stack
Steven Klebanoff
Sol Bogen, Esq.
William Rothberg Esq.
Charles Henn
Edna Paskoff

Exhibit E (Rejected)

1918

(Send money - no Careless)

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

- | | |
|--|------------|
| 11. Employer's Contribution 3% of Item 3: | \$ 41.28 ✓ |
| 12. Total of paid hours: 126 @ 25c
(Same hours as Item 2) | \$ 31.50 ✓ |
| 13. Adjustments:—(Must be explained. See instructions): | \$ — |
| 14. Total or Remittance | \$ 72.78 ✓ |

3

Draw a separate check for this amount payable to
BUREAU METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's contribution 3% of item 3	\$	41.28
16. Total of paid hours $\frac{126}{\text{(Same hours as item 2)}}$ 05c	\$	6.30
17. Adjustments—(Must be explained. See instructions.)		
17a. Adjustments, brokerage between total of item 15 and 16 and total of item 23		
18. Total or remittable must agree with total of item 25	\$	47.58

Draw a separate check for this amount payable to
SHEET METAL WORKERS' LOCAL UNION No. 28 VACATION PLAN

STREET ADDRESS, PHONE NO., FAX NO., E-MAIL ADDRESS, WEBSITE ADDRESS, AND OTHER CONTACT INFORMATION

Signature: Robert F. Schuler

Title President Date 11/16/22

Title President 11/12

14. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

(See Instructions Item No. 20)

19. Report for Month of June 1973 20. LAST PAYROLL DATE WITHIN MONTH 6/26/73

[illegible]

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month _____ If yes, attach details.

IF there is not enough space to list all Employees there, use continuation sheet (FWS-301). List each sheet with sheet number followed by "THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10th) DAY OF THE MONTH FOLLOWING THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH."

800-85-72-69

Exhibit G

EMPLOYER'S REPORT OF CONTRIBUTIONS

Read Instructions Carefully

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

- | | | |
|---|----|--------|
| 1. Total Wages reported modes Item 3 | \$ | 2125 |
| 2. Total of paid hours <u>133</u> 05c | \$ | 1161 |
| (Reported under item 24) | | |
| 3. Total Wages subject to Contribution Item 1 plus Item 2 | \$ | 154436 |
| 4. Employer's Contribution, 3% of Item 3 | \$ | 7533 |
| 5. Total of paid hours <u>133</u> 25c | \$ | 184 |
| (Same hours as Item 2) | | |
| 6. Adjustments—(Must be explained See Instructions) | \$ | 13458 |
| 7. Total or Remittance | \$ | |

Draw a separate check for this amount payable to
SHEKT METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number.

Key Delta Corp. 482
132-10 Jamaica Avenue
Richmond Hill, N.Y. 11418

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of Item 3. \$ 16 1/2
12. Total of paid hours 233 25¢ \$ 58 25
(Same hours as Item 2)
13. Adjustments—(Must be explained. See Instructions) \$ 145 50
14. Total of Remittance

1921

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

- | | | |
|--|----|-------|
| 15. Employer's Contribution (See Item 3) | \$ | 76.13 |
| 16. Total of paid hours <u>133</u> x .05c
(Same hours as item 2) | \$ | 6.65 |
| 17. Adjustments—(Must be explained. See instructions) | \$ | |
| 17a. Adjustments, breakage between total of Item 15 and 16 and total of Item 25. | \$ | 87.98 |
| 18. Total or remittance must agree with total of item 25. | \$ | |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 24) VACATION PLAN

Signature: _____

Title

Date 12/10/17

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of.....July 1973

20. LAST PAYROLL DATE WITHIN MONTH

[illegible]

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month

____ If yes, attach details

If there is not enough space to list all Fingerprint above, use continuation sheet (Form 18). Each such sheet must show page number beginning with 18. This form must be mailed to the OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10th) DAY OF THE MONTH FOLLOWING THE END OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

(Read Instructions Carefully)

Ann. 1 (Revised 1-1-81)

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of Item 3 \$ 118
12. Total of paid hours 477 25c \$ 118 ✓
(Same hours as Item 2)
13. Adjustments - (Must be explained. See Instructions) \$
14. Total of Remittances \$ 277 12

1922

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

- SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's contribution 4770 \$
16. Total of paid hours 2370 05c
(Same hours as Item 2)
17. Adjustments—(Must be explained See Instructions) \$
18. Adjustments, breakage between total of Item 15
and 16 and total of Item 25. \$
19. Total or remittance must agree with total of Item 25. 182901

- Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 44) VACATION PLAN

Signature _____
Title Asst Date 10/6/23

(See Instructions Item No. 20)

20. LAST PAYROLL DATE WITHIN MONTH *Aug 31, 1975*

[illegible]

528282/474, 10490

- ... If yes, attach details

27. Has a change of Ownership, or change of location of the business? (yes or no)

If there is not enough space to list all Employees above, use continuation sheet (Form 101). Each sub sheet must show page number beginning with page #2. This form must be mailed to the OFFICE OF THE FUNDS AND PLAN OR, ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE CLOSE OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

EMPLOYER'S AMOUNT OF CONTRIBUTION

Read Instructions Carefully

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

1. Total Wages reported under item 2f
2. Total of paid hours 38 1/2 05c
(Reported under item 4)
3. Total Wages subject to Contribution Item 1 plus Item 2
4. Employer's Contribution, 1% of item 3
5. Total of paid hours 38 1/2 25c
(Same hours as item 2)
6. Adjustments—(Must be explained. See Instructions)
7. Total or Remittance

1923

11. Employer's Contribution 32.50 (Ref A)
12. Total of paid bills 22.50 25c
(Same bills as item 2)
13. Adjustments—(Must be explained. See instructions)
14. Total or Remainder

Draw a separate check for this amount payable to
MILLET METAL WORKERS (LOCAL UNION No 28) WELFARE FUND

8. Employer's Name, Address and Identification Number

Key Delta Corp. 482
132-10 Jamaica Ave.
Richmond Hill, N.Y. 11418

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

- | | |
|---|-----------|
| 15. Employer's Contribution | \$ 100.00 |
| 16. Total of paid hours | \$ 14.25 |
| (Same hours as item 2) | |
| 17. Adjustments—(Must be explained. See instructions) | \$ |
| 18. Adjustments, balance between total of item 15 and 16 and total of item 25 | \$ 101.31 |
| 19. Total or remittance must agree with total of item 25 | \$ |

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

Signature: Robert Zuckerman
Title: Pres Date: 10/10/73

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS 12

10. I certify that the information contained in this report and the attached schedule is true and correct; that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28
SHEET METAL WORKERS AND APPRENTICES

(See Instructions, Item No. 20)

19. Report for Month of SEP 1972 20. LAST PAYROLL DATE WITHIN MONTH SEP 15 1972

[illegible]

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month

If yes, attach details

If there is not enough space to list all employees during one photographic shoot, Form 1015, each card should show three or more photographs with their names. This report must be mailed to the Office of the Funds and PLAN CO. before the TENTH (10th) DAY of the MONTH FOLLOWING the MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH, ABOVE.

EMPLOYER'S REPORT OF CONTRIBUTION

(Read Instructions Carefully)

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

1. Total wages reported under Item 23: 9442.79

2. Total of paid hours: 944 05c
(Reported under Item 24)

3. Wages subject to Contribution Item 1 plus:

4. Employer's Contribution, 3% of Item 1: 283.28 26c

5. Total of paid hours: 944 05c
(Same hours as Item 2)

6. Adjustments—(Must be explained. See Instructions): None

7. Total of Remittance: 283.28

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of Item 3: 283.28 59c

12. Total of paid hours: 944 05c
(Same hours as Item 2)

13. Adjustments—(Must be explained. See Instructions): None

14. Total of Remittance: 283.28

1924

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

9. Employer's Name, Address and Identification Number:

Kry Delta Corp.
137 49 Jamaica Avenue
Richmond Hill, N.Y. 11418

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's Contribution 3% of Item 3: 283.28 05c

16. Total of paid hours: 944 05c
(Same hours as Item 2)

17. Adjustments—(Must be explained. See Instructions): None

18. Total of Remittance must agree with total of Item 15 and to total of Item 25: 283.28

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS: ONE

10. I certify that the information contained in this report and the attached schedule is true and correct; that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

Signature: [Signature]

Title: 3/18/74

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28 SHEET METAL WORKERS AND APPRENTICES

(See Instructions Item No. 20)

19. Report for Month of OCT 1973 20. LAST PAYROLL DATE WITHIN MONTH

Employee's Social Security Account Number (21)	Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Omit fractions) (24)	Vacation Wages (See Instructions) (25)
079 26 7326	Cornelius Carboy	1989 21	183	66 47
112 34 3840	John Healy	293 49	27	8 84
061 18 8754	Lawrence Howard	190 25	175	66 42
082 36 5066	Mel Matheson	1141 25	105	39 79
082 30 7607	John C. Matheson	1979 21	183	66 47
094 36 7889	Richard Smolinsky	1016 54	169	33 98
096 20 5020	Clinton Stock	804 38	74	25 70
094 42 0991	John Sullivan	304 36	28	10 64

POSTED

26. TOTALS FOR THIS PAGE

WELFARE FUND
PENSION FUND
VACATION PLAN

9440 79 144 31 31

27. Has a change of Ownership, or other Transfer of the Business taken place during the month

No

If yes, attach details

If there is not enough space to list all employees above, the Employer may attach a separate sheet showing the names of all employees. This form must be mailed to the Office of the Funds and Plan on or before the tenth (10th) day of the month following the month on the month which this report covers. This report must be submitted even though no wages have been paid during the month noted above.

10-10-73

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

1. Total Wages reported under Item 1: 10109.96

2. Total of paid hours: 981 05c

3. Total Wages subject to Contribution (Item 1 plus Item 2): 10159.21

4. Employer's Contribution, 3% of Item 3: 304.78 20c

5. Total of paid hours: 981 05c

6. Adjustments—(Must be explained. See Instructions): 76.78

7. Total or Remittance: 379.75

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of Item 3: 304.78

12. Total of paid hours: 981 05c

13. Adjustments—(Must be explained. See Instructions): 76.78

14. Total or Remittance: 379.75

1925

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

8. Employer's Name, Address and Identification Number

Key Delta Corp 402
132-10 Jamaica Avenue
Richmond Hill, N.Y. 11418

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's Contribution 3% of Item 3: 304.78

16. Total of paid hours: 981 05c

17. Adjustments—(Must be explained. See Instructions): 76.78

18. Total or Remittance must agree with total of Item 25: 379.75

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS: one

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

Signature: [Signature] Date: 3/18/74

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28 SHEET METAL WORKERS AND APPRENTICES

19. Report for Month of: NOV 1973 20. LAST PAYROLL DATE WITHIN MONTH

Employee's Social Security Account Number (21)	Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Omit Fractions) (24)	Vacation Wages (See Instructions) (25)
079 26 7326	C Carbay	1173 96	108	40 82
127 10 2703	D Hartz	195 66	18	6 83
112 34 2840	J Healy	1173 96	108	40 82
061 28 8754	L Howard	1304 40	120	45 46
131 28 3890	P Kahl	706 55	65	24 57
082 30 7607	J Mulhare	1173 96	108	40 82
054 34 3273	J Saeli	456 54	42	15 91
094 36 2889	R Amrock	657 41	110	22 95
096 20 5020	M Stock	1173 96	108	40 82
094 42 0991	J Sullivan	1173 96	108	40 82
055 40 2338	P Trummer	652 20	60	22 68
082 42 2951	V Tufano	71 74	12	2 49
108 07 4752	B Weigel	195 66	18	6 83

26. TOTALS FOR THIS PERIOD

27. Has a change of ownership taken place since the last report? (If so, specify date and name of new owner.)

28. If the wages reported on this schedule are not the wages paid to the employees, explain the reason below.

EMPLOYER'S REPORT OF CONTRIBUTION

(Read Instructions Carefully)

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

1. Total Wages reported under Item 23 1315.92

2. Total of paid hours 1312 05c

3. Total Wages subject to Contribution Item 1 plus Item 2 1324.50

4. Employer's Contribution 3% of Item 3 20c

5. Total of paid hours (Same hours as Item 2) 1312

6. Adjustments—(Must be explained. See Instructions)

7. Total or Remittance 732.77

1926 Pd **CHK # 285**

346.05
774.50
1120.73

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number.

Key Delta Corp.
132-10 Jamaica Avenue
Richmond Hill, N.Y. 11418

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) PENSION FUND

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's Contribution 3% of Item 3 396.65

16. Total of paid hours 1312 05c

17. Adjustments—(Must be explained. See Instructions)

17a. Adjustments, breakage between total of Item 15 and 16 and total of Item 23

18. Total of remittance paid agree with total of Item 23

1926 Pd **CHK # 285**

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION No. 28) VACATION PLAN

Signature [Signature] Date 3/18/74

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS ONE

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28 SHEET METAL WORKERS AND APPRENTICES

19. Report for Month of December, 1973 20. LAST PAYROLL DATE WITHIN MONTH

Employee's Social Security Account Number (21)	Name of Employee (Type or Print) (22)	Basic Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Unit Fractions) (24)	Vacation Wages (See Instructions) (25)
079 26 7526	C Carboy	1239 18	114	43 09
112 34 3840	J Healy	1108 74	102	38 59
061 28 8754	L Howard	1304 40	120	45 36
131 28 3890	P Kahl	1239 18	114	43 09
082 40 7657	J Mulhare	1108 74	102	38 59
142 32 6618	a Rostolda	1239 18	114	43 09
054 34 3273	J Sacli	1108 74	102	38 59
094 36 2889	R Ameloch	693 49	116	24 97
096 20 5020	M Atch	1239 18	114	43 09
098 42 0991	J Sullivan	1239 18	114	43 09
102 30 6010	M Treanor	476 54	42	16 21
085 40 2338	P Trimmer	521 76	49	18 18
082 42 2951	V Teyano	657 61	110	24 02

26. TOTALS FOR THIS PAGE

27. Has a change of Ownership, or other Transfer of the Business taken place during the month?

If there is not enough space to list all Employees above, use continuation sheet (Form 1A). Each such sheet must show your number and name with page 20. THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10th) DAY OF THE MONTH FOLLOWING THE MONTH NOTED ABOVE. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

1. Total Wages reported under Item 23 12809.37

2. Total of paid hours 1228 1/2 05c 61.43
(Reported under Item 24)

3. Total Wages subject to Contribution Item 1 plus Item 2 12870.80

4. Employer's Contribution, 3% of Item 3 386.12 26c

5. Total of paid hours 1228 1/2 05c 319.41
(Same hours as Item 2)

6. Adjustments—(Must be explained. See Instructions) None

7. Total or Remittance 705.53

SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

11. Employer's Contribution 3% of Item 3 386.12 59c

12. Total of paid hours 1228 1/2 05c 724.82
(Same hours as Item 2)

13. Adjustments—(Must be explained. See Instructions) None

14. Total or Remittance 1110.94

1927

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) PENSION FUND

Key Delta Corp
132-10 Jamaica Avenue
Richmond Hill, N.Y. 11418

SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

15. Employer's Contribution 3% of Item 3 386.12

16. Total of paid hours 1228 1/2 05c 61.43
(Same hours as Item 2)

17. Adjustments—(Must be explained. See Instructions) None

17a. Adjustments, breakage between total of Item 15 and 16 and total of Item 25 1.08

18. Total or Remittance must agree with total of Item 25 446.47

Paid with # 287

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS one

Draw a separate check for this amount payable to
SHEET METAL WORKERS (LOCAL UNION NO. 28) VACATION PLAN

Signature [Signature] Date 3/18/74

10. I certify that the information contained in this report and the attached schedule is true and correct, that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28 SHEET METAL WORKERS AND APPRENTICES

19. Report for Month of JAN 1974 20. LAST PAYROLL DATE WITHIN MONTH

Employee's Social Security Account Number (21)	Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Omit Fractions) (24)	Vacation Wages (See Instructions) (25)
079 26 7326	C. Carboy	1333 20	120	46 51
061 28 8754	L. HOWARD	1666 50	150	58 14
104 42 7735	C. INGRAM	40 20	6	1 38
131 28 3890	PAUL KAHL	1601 28	144	55 87
142 32 6628	A. ROSTOLDER	1467 24	132	51 19
054 34 3273	JOHN SAELI	1511 92	136	52 75
094 36 2889	R. SIMCHOCK	924 28	140	31 78
096 20 5020	M. STOCK	1584 53	142	55 29
094 42 0991	J. SULLIVAN	1601 28	144	55 87
112 34 3840	JOHN HEALY	394 92	36	13 75
082 30 7607	J. MULHARE	394 92	36	13 75
102 30 6010	G. TREANOR	65 22	6	2 44
082 42 2951	V. TUFANO	223 88	36	7 25

26. TOTALS FOR THIS PAGE 12809.37 1228 1/2 446.47

27. Has a change of Ownership, or other Transfer of the Business taken place during the month No If yes, attach details

If there is not enough space to list all Employees above, use continuation sheet (Form 1B). Each such sheet must show page number beginning with THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10th) DAY OF THE MONTH FOLLOWING THAT OF THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID DURING THE MONTH NOTED ABOVE.

EMPLOYER'S REPORT OF CONTRIBUTION

SHEET METAL WORKERS (LOCAL UNION NO. 28) WELFARE FUND

1. Total Wages reported under item 23 \$ 9288.21

2. Total of paid hours 914 x 05c \$ 457.00

3. Total Wages subject to Contribution item 1 plus item 2 \$ 9333.77

4. Employer's Contribution, 3% of item 3 280.01

5. Total of paid hours 914 x 05c \$ 457.00

6. Adjustments—(Must be explained. See Instructions) \$

7. Total or Remittance Not P. \$ 726.51

11. Employer's Contribution 3% of item 3 280.01

12. Total of paid hours 914 x 05c \$ 457.00

13. Adjustments—(Must be explained. See Instructions) \$

14. Total or Remittance 819.27

1928

Not P.

Draw a separate check for this amount payable to SHEET METAL WORKERS (LOCAL UNION No. 28) WELFARE FUND

8. Employer's Name, Address and Identification Number.

Key Delta Corp.
132-10 Jamaica Avenue
Richmond Hill, N.Y. 11418

9. NUMBER OF EMPLOYEES LISTED ON THIS FORM AND CONTINUATION SHEETS one

10. I certify that the information contained in this report and the attached schedule is true and correct; that the wages reported represent all wages paid to Sheet Metal Workers and Apprentices in the employ of the named Employer for the period specified.

SCHEDULE A — EMPLOYER'S REPORT OF WAGES PAID TO ALL LOCAL 28 SHEET METAL WORKERS AND APPRENTICES

19. Report for Month of FEB 1974 20. LAST PAYROLL DATE WITHIN MONTH

Employee's Social Security Account Number (21)	Name of Employee (Type or Print) (22)	Base Wages Paid (Exclude Vacation Wages) (23)	Total Number of Paid Work Hours (Omit Fractional) (24)	Vacation Wages (See instructions) (25)
079 26 7326	C Carboy	1206 36	128	42 12
261 28 8754	L Howard	1342 42	120	46 80
100 42 7735	C Ingram	740 90	123	20 79
131 28 3890	P Kahl	1206 36	128	42 12
142 32 6618	A Kestolder	1195 19	127	41 73
074 30 3273	J Sailer	1206 36	128	42 12
094 36 2889	R Simchick	737 —	110	25 30
096 20 5020	M Stock	1206 36	128	42 12
094 42 0991	J Sullivan	469 14	42	16 38

26. TOTALS FOR THIS PAGE

9288.21 / 914 / 323.48

27. Has a change of Ownership, or other Transfer of the Business taken place during the month

(Type or Print)

If yes, attach

If there is not enough space to list all Employees above, use continuation sheet (Form 101). Each such sheet must show same number beginning with THIS FORM MUST BE MAILED TO THE OFFICE OF THE FUNDS AND PLAN ON OR BEFORE THE TENTH (10TH) DAY OF THE MONTH FOLLOWING THE MONTH WHICH THIS REPORT COVERS. THIS REPORT MUST BE SUBMITTED EVEN THOUGH NO WAGES HAVE BEEN PAID.

Exhibit #

1929

INSURANCE RECORD

A. & S. OPENED _____ CLOSED _____ WKS _____ DAYS _____
 A. & S. OPENED _____ CLOSED _____ WKS _____ DAYS _____
 A. & S. OPENED _____ CLOSED _____ WKS _____ DAYS _____

CHARLES A. SAUNDERS 103-31-1047
 203 W. 120TH ST. 5952
 N. Y. N. Y. 10027

DATE	ACTION	CLASS
12/1/66		A

1969

1930

PERIOD ENDING	EMPLOYER NUMBER	THIS PERIOD			YEAR TO DATE TOTALS				TOTAL VACATION CREDITS FOR PERIOD	PROOF
		EARNINGS	HOURS	VAC. PAY CREDITS	EARNINGS	HOURS	VAC. PAY CREDITS	TOTAL EARNINGS		
CARRIED FORWARD FROM PREVIOUS STATEMENT									131.22	399.18
12-1-55	55	161.00	140	15.7	161.00	140	15.7	161.00	131.22	1400.1
12-1-55	55	1102.35	1091	6.75	3223.35	397	44.51	2223.35	274.33	2751.5
12-1-55	55	1018.10	2142	10.75	4241.45	606	68.29	2223.35	708.11	4281.6
12-1-55	55	1117.00	1123	VAC	433.40	606	68.29	710.472	404.00	4025.9
12-1-55	55	1266.40	203	14.47	4306.35	612	77.76	5388.11	604.27	5498.8
12-1-55	432	516.60	64	7.45	5122.95	692	67.21	5390.16	708.72	6099.4
12-1-55	190	172.20	28	29.14	5295.15	724	498.35	6191.50	115.66	6299.6
12-1-55	55	86.10	14	14.57	5381.25	738	610.82	6292.17	430.43	6399.7
12-1-55	55	101.00	00	50.43	5381.25	0	10.92	6292.17	0.00	6292.17
12-1-55	432	140.95	153	54.29	6322.20	153	1070.21	7342.41	15.22	7386.1
12-1-55	1240	93.10	14		6415.30	167	1070.21	7445.51	15.22	7493.2
12-1-55	55	113.60		VAC	6415.30	0	1070.21	7445.51	25.67	7493.2
12-1-55	1240	369.95	49	7.39	6785.25	491	1077.60	7362.35	33.08	7478.7
12-1-55	432	679.80	116	17.52	7661.05	1651	1095.12	8756.17	50.60	8870.2
12-1-55	11260						0.00			0.00
12-1-55	432	551.30	126	19.04	8612.35	2911	114.16	9726.51	69.64	9947.8
12-1-55	432	1321.25	175	26.44	9933.60	4661	1140.50	11074.20	96.08	11444.1
12-1-55	432	909.05	131	19.55	10922.65	5971	160.15	12082.60	119.63	12364.1
12-1-55	432	520.95	69	10.42	11443.60	4661	170.57	12614.17	126.05	13154.1

INSURANCE RECORD

A & S. OPENED _____ CLOSED _____ WKS _____ DAYS _____
 A & S. OPENED _____ CLOSED _____ WKS _____ DAYS _____
 A & S. OPENED _____ CLOSED _____ WKS _____ DAYS _____

12/1/66

A

CHARLES A. SANDERS 105-31-7047
 246 W. 150TH ST. 5952
 NEW YORK, N.Y. 10039

1970

PERIOD ENDING	EMPLOYER NUMBER	THIS PERIOD			YEAR TO DATE TOTALS					TOTAL VACATION CREDITS FOR PERIOD	PROOF
		EARNINGS	HOURS	VAC. PAY CREDITS	EARNINGS	HOURS	VAC. PAY CREDITS		TOTAL EARNINGS		
CARRIED FORWARD FROM PREVIOUS STATEMENT					866					126.05	539.95
	432	1,516.00	164	26.32	(802)	1,516.00	330	26.32	1,542.32	152.37	2,019.9
	432	1,044.00	131	20.86	8.	2,364.00	961	47.28	2,411.28	173.33	
	432	1,266.00	160	25.60	8.	3,644.00	1,121	72.88	3,716.88	171.13	4,638.9
	304	1	1	VAC		3,644.00	1,121	72.88	3,716.88	0.00	4,837.88
	432	1,364.00	163	27.23	8-22	5,008.00	1,207	100.16	5,108.16	27.23	6,367.8
	432	1,246.00	151	24.82	8-25	6,254.00	1,431	125.06	6,379.06	52.20	7,764.8
	432	1,272.00	154	25.44	8-26	7,526.00	1,522	150.52	7,676.52	77.64	9,130.0
	72	572.85	67	11.46	8-55	9,098.85	1,699	161.98	9,260.83	84.10	9,830.0
NATIONAL	432	1,060.05	125	21.61	8-64	9,178.90	1,704	163.59	9,362.49	110.71	11,035.7
Plane	261	1,344.75	145	26.41	9-27	10,523.65	1,829	210.50	10,734.15	137.67	12,325.0
SEP	261	2,870.50	312	57.45	9-30	13,394.25	2,241	267.95	13,662.20	199.07	15,708.0
OCT	261	1,054.90	170	33.10	9-57	15,049.15	2,411	301.05	15,350.20	220.17	17,541.0
NOV	261	1,493.20	164	29.86	9-11	16,542.35	2,583	330.83	16,873.28	258.05	19,198.0
DEC	261	2,323.70	254	46.53	9-17	18,866.05	2,837	377.46	19,243.51	304.58	21,777.0
			271								

1932

INSURANCE RECORD

A & S OPENED CLOSED WKS DAYS
 A & S OPENED CLOSED WKS DAYS
 A & S OPENED CLOSED WKS DAYS

DATE	ACTION	CLASS
12/1/76		A

CHARTERED BY 1000000000
 210 1000000000
 NEW 1000000000

1971

PERIOD ENDING	EMPLOYER NUMBER	THIS PERIOD			YEAR TO DATE TOTALS				TOTAL EARNINGS	TOTAL CREDITS FOR PERIOD	PROOF
		EARNINGS	HOURS	WKS CREDITS	EARNINGS	HOURS	WKS CREDITS				
CARRIED FORWARD FROM PREVIOUS STATEMENT											
	201	534.40	36	1000	534.40	36	1000	534.40	1000	2532.42	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	3122.6	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	5357.	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	7400.	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	8393.6	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	10201.3	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	12493.1	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	15239.2	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	17370.5	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	17578.0	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	18421.0	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	21121.0	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	21788.	
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	26780.	
FEDERAL											
	201	10011.10	114	1000	10011.10	114	1000	10011.10	1000	2103	

INSURANCE RECORD

A. & S. OPENED _____ CLOSED _____ WKS. _____ DAYS _____
 A. & S. OPENED _____ CLOSED _____ WKS. _____ DAYS _____
 A. & S. OPENED _____ CLOSED _____ WKS. _____ DAYS _____

DATE	ACTION	CLASS
12/1/66		A

CHARLES A. SAUNDERS 103-31-7047
 246 W. 150TH ST. 5952
 NEW YORK, N.Y. 10039

1972

PERIOD ENDING	EMPLOYER NUMBER	THIS PERIOD				YEAR TO DATE TOTALS				TOTAL VACATION CREDITS FOR PERIOD	PROOF
		EARNINGS	HOURS	VAC. PAY CREDITS		EARNINGS	HOURS	VAC. PAY CREDITS	TOTAL EARNINGS		
CARRIED FORWARD FROM PREVIOUS STATEMENT											334.00
											1.9
											2196.4
											2401.6
											4508.4
											7874.7
											7640.5
											8201.6
426		1112.05	40	10.24		1112.05	4	10.24	1112.05		9430.1
426		1103.53	40	10.24		1103.53	154	10.24	1103.53		11278.7
426		1442.00	35	7.49		1442.00	318	10.24	1442.00		12910.3
426		1743.15	41	13.40		1743.15	481	10.24	1743.15		13319.8
426		1404.40	123	1.10		1404.40	486	10.24	1404.40		15276.0
426		1402.95	133	2.63		1402.95	647	10.24	1402.95		16806.9
			1624				770	10.24			18422.8

1933

1934

INSURANCE RECORD

A & S OPENED	CLOSED	WKS	DAYS
A & S OPENED	CLOSED	WKS	DAYS
A & S OPENED	CLOSED	WKS	DAYS

[illegible]

CHARLES J. SAUNDERS 103-31-7017
1947 7TH AVE. 5452
NEW YORK, N. Y. 10016

1973

[illegible]

AFFIDAVIT OF MAILING

CA 76-6003

State of New York)
County of New York) ss

Marian J. Bryant being duly sworn,
deposes and says that she is employed in the Office of the
United States Attorney for the Southern District of New York.

That on the

18th day of February 1977 s he served a copy of the
within Supplement to the Second Joint Appendix

by placing the same in a properly postpaid franked envelope

addressed:

Sol Bogen
One Penn Plaza
New York, New York 10001

Rosenthal & Goldhaber
44 Court Street
Brooklyn, New York 11201

W. Bernard Richland
City of New York Corporation Council
Municipal Building
New York, New York 10007

And deponent further says s he sealed the said envelope s and placed the same in the mail chute drop for mailing in the United States Courthouse Annex, One St. Andrews Plaza, Borough of Manhattan, City of New York.

Sworn to before me this

Marian L. Bryant

18th day of February, 19 77

PAULINE P. TROIA
Notary Public, State of New York
No. 31-4632381
Qualified in New York County
Commission Expires **March 30, 1978**